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STATUTES  
RELATING TO  
SURVEYS AND SURVEYORS  
ONTARIO.

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ISSUED BY THE ASSOCIATION OF ONTARIO LAND SURVEYORS,

1899.



TORONTO:  
WARWICK BRO'S & RUTTER, PRINTERS, 68 AND 70 FRONT STREET WEST.  
1900.

Statutes  
Ont.



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*Louise B. Stewart*

*School of Science*

# STATUTES

RELATING TO

## SURVEYS AND SURVEYORS

### ONTARIO.

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1900.





AN ACT RESPECTING LAND SURVEYORS.

(Chapter 180, R.S.O. 1897).

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AN ACT RESPECTING THE SURVEYS  
OF LANDS.

(Chapter 181, R.S.O. 1897).

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AN ACT TO AMEND THE ACT RESPECTING  
THE ASSOCIATION OF ONTARIO  
LAND SURVEYORS.

(61 Victoria, Chapter 18.)



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7. LAND SURVEYORS AND SURVEYING.

CHAPTER 180.

An Act respecting Land Surveyors.

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TRANSFER OF APPRENTICES, ss. 30, 31.	FUNDS, s. 50.
INSTRUMENT OF APPRENTICESHIP TO	ACCOUNTS TO BE KEPT AND AUDITED,
BE FILED, s. 32.	s. 51.

HER MAJESTY, by and with the advice and consent of the  
' Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as “*The Ontario Land Surveyors’ Short title.*  
*Act.*” 55 V. c. 34, s. 18 (1)

INTERPRETATION.

2.—(1) The expression “Commissioner of Crown Lands,” Interpret-  
wherever it occurs in this Act, shall mean the person autho- tion.  
rised to discharge the duties of that office. R. S. O. 1887, “Commis-  
c. 152, s. 1. sioner of  
Crown  
Lands.”

(2) The expression “Ontario Land Surveyor” shall include “Ontario  
a “Provincial Land Surveyor.” 55 V. c. 34, s. 18 (2). Land Sur-  
veyor.”

## REGISTRATION OF LAND SURVEYORS.

Who may act  
as land sur-  
veyor.

**3.** No person shall act as a surveyor of lands within this Province unless he has been duly authorized to practise as a land surveyor according to the provisions of this Act, or had been so authorised before the passing thereof, according to the laws then in force, and shall have become registered and shall continue to be registered under the provisions of this Act, under a penalty of \$40. R. S. O. 1887, c. 152, s. 2; 55 V. c. 34, s. 1; 60 V. c. 27, s. 21.

## ASSOCIATION OF ONTARIO LAND SURVEYORS.

Association  
of Ontario  
Land  
Surveyors.

**4.—(1)** The Association of Ontario Land Surveyors is hereby continued as a body corporate with perpetual succession and a common seal; and all persons who are now members of the Association shall continue members thereof subject to the by-laws of the Association and the provisions of this Act.

(2) All persons who were prior to the 14th day of April, 1892, duly authorised to practise as land surveyors, and such other persons as shall become hereafter duly authorised so to practise under the provisions of this Act, shall, upon becoming duly registered as hereinafter provided, become members of the said Association. 55 V. c. 34, s. 3, part.

Powers of.

**5.** The said Association shall have power to acquire and hold real estate not exceeding at any time an annual value of \$5,000, and to alienate, exchange, mortgage, lease or otherwise charge or dispose of the said real estate, or any part thereof, as occasion may require, and all fines and fees payable under this Act, or under any by-law which may be passed by the Association under the powers hereby granted, shall belong to the Association for the purpose of this Act. 55 V. c. 34, s. 3, part.

By-laws

**6.—(1)** The said Association may pass by-laws not inconsistent with the provisions of this Act for the—

- (a) Government, discipline and honour of its members;
- (b) Management of its property.
- (c) Examination and admission of candidates for the study or practice of the profession; and
- (d) For all such other purposes as may be necessary for the working of the corporation.

(2) All by-laws shall be prepared by the council hereinafter named, and be ratified by the Association at the annual general meeting, or at a special general meeting, to be called for the purpose. 55 V. c. 34, s. 3, part.



7.—(1) There shall be a Council of Management of the Association consisting of the Commissioner of Crown Lands, the President and Vice-President of the Association, and six other elective members, to be elected and hold office as hereinafter provided. Council of Management.

(2) The Council shall elect annually one of its members as its Chairman, and shall appoint from amongst the members of the Association such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the Council. 55 V. c. 34, s. 4, part.

8. The members of the Association shall elect annually from amongst their number a President, Vice-President, Secretary-Treasurer, two Auditors and two members of the Council of Management, and the Secretary-Treasurer of the Association shall be the Registrar of the Association and Secretary of the Board of Examiners. 55 V. c. 34, s. 4 (1). Officers.

(2) The said President, Vice-President, Secretary-Treasurer, Auditors and two members of the Council may be elected at the annual general meeting in each year, provided their election is unanimous. 55 V. c. 34, s. 4 (2) part.

9.—(1) Should the election of any of the officers mentioned in the preceding section not be made unanimously at the annual general meeting, and a ballot be demanded for the election of any of them by any member of the Association entitled to vote at such election, then and in every such case the President, or in his absence, the Vice-President, shall appoint two scrutineers to count the ballots, and the Secretary-Treasurer shall at such annual general meeting receive nominations of candidates for the office or offices in respect of which such ballot shall have been demanded, and the election shall take place in the manner hereinafter provided. 55 V. c. 34, s. 4 (2) part. Election by ballot.

(2) All elections under this Act shall be by ballot if demanded, and shall be conducted in the manner provided by the by-laws of the Association. 55 V. c. 34, s. 4 (11b).

10. At least one week after the annual general meeting, at which a ballot was demanded, the Secretary-Treasurer, as Registrar of the Association, shall send by post, to each member of the Association, when his address is known, the form of voting paper in Schedule B to this Act, with the list of the names of all candidates nominated at the annual general meeting, and also a list of the retiring members, and the voting for officers and members of the Council shall be limited to the persons who have been so nominated. 55 V. c. 34, s. 4 (3). Voting papers.

11. The votes at an election by ballot for officers and members of the Council of Management shall be given by closed When to be returned.

voting papers, in the form in Schedule B to this Act, or to the like effect, and shall be delivered to the Secretary-Treasurer of the Association at his office, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Tuesday of March and the first Tuesday of April in each year in which an election by ballot is held, and any voting papers received by the Secretary-Treasurer by post during the time aforesaid shall be deemed to be delivered to him for the purposes of the election. 55 V. c. 34, s. 4 (4).

Counting of.

**12.**—(1) The voting papers shall upon the Thursday after the first Tuesday of April be opened by the Secretary-Treasurer of the Association in the presence of the scrutineers appointed as above provided, who shall examine and count the votes, and keep a record thereof in a proper book provided by the Council.

(2) Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers.

(3) The persons who have the highest number of votes for officers or members of the Council, as the case may be, shall be declared elected. 55 V. c. 34, s. 4 (5-7).

Case of  
equality of  
votes.

**13.**—(1) In case of an equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided, then the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Secretary-Treasurer of the Association shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the Council as the case may be.

Declaration of  
result.

(2) Upon the completion of the counting of the votes and of the scrutiny, the Secretary-Treasurer shall forthwith declare the result of the election, and shall as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the President of the Association. 55 V. c. 34, s. 4 (8, 9).

Where voting  
paper has too  
many names.

**14.** In the event of any elector placing more than the required number of names upon the voting paper for members of the Council, the first names only, not exceeding the required number, shall be taken for the members of the Council. 55 V. c. 34, s. 4 (10).

Qualification  
of voters.

**15.**—(1) The persons qualified to vote at an election shall be such persons as are members of the Association who have paid all fees due from them to the Association under the provisions

of this Act and of any by-law of the Association. 55 V. c. 34, s. 4 (11a), s. 8 (4).

(2) No person shall be eligible for election to any office or to the Council, or qualified to fill any vacancy thereon, or to appointment by the Council to any office, unless his fees have been paid and he is duly qualified under the provisions of this Act, and the by-laws of the Association. 55 V. c. 34, s. 4 (12).

**16.**—(1) Except in the case of an appointment to fill a vacancy caused by the resignation, death or dismissal of a member of the Council, all elected members of the Council shall hold office for the term of three years, and until their successors shall have been elected.

Term of office  
of members of  
council.

(2) In case of the resignation, death or dismissal of the President, Vice-President, or any elective member of the Council, the other members of the Council shall have power to fill any vacancy so caused. 55 V. c. 34, s. 4 (13).

**17.** In case of any doubt or dispute as to who has or have been elected to any office, or as a member or members of the Council, or as to the legality of the election of any such officer or officers, member or members of the Council, it shall be lawful for the other duly elected officers and members to be, and they are hereby constituted a committee to hold an enquiry, and decide who, if any, is, or are, the legally elected officer or officers, or member or members of the Council, and the person or persons, if any, whom they decide to have been elected, shall be and be deemed to be the officer or officers, or member or members legally elected, and if the election is found to have been illegal, the said committee shall have power to order a new election. 55 V. c. 34, s. 4 (14).

Disputed  
elections.

**18.** The annual general meeting of the Association shall be held in the City of Toronto on the fourth Tuesday in February in each year, and at such place as the Council may appoint. Due notice of such meeting shall be given by the Secretary-Treasurer, to each member of the Association, by circular letter, posted to his registered address, at least ten days before such meeting. 55 V. c. 34, s. 4 (15), s. 8 (4).

Annual  
general meet-  
ing.

#### BOARD OF EXAMINERS.

**19.**—(1) There shall be a Board of Examiners for the examination of candidates for admission to study, and also for such other examinations as the Council may hereafter prescribe for candidates for admission to practise as land surveyors, which board shall consist of the Chairman of the Council, the Secretary-Treasurer, four other members of the association, to be appointed by the Council, and two to be appointed by the Lieutenant-Governor in Council.

Board of  
Examiners

(2) The six members to be appointed as aforesaid shall respectively hold office for a term of three years. In case of the resignation, death or inability to act of any member of the Board the Lieutenant-Governor in Council, if such member was appointed by him, and the Council of the Association if such member was appointed by the Council, shall appoint a member of the Association to be a member of the Board of Examiners for the unexpired portion of the term.

(3) The Chairman of the Council shall be the Chairman of the Board of Examiners, and three members of the Board shall form a quorum.

(4) The Council may also appoint competent persons to assist the Board of Examiners in any of the subjects of examination, and shall have the power to fix the expenses and fees to be paid to any of the said examiners, subject as hereinafter provided to the restrictions hereinafter contained in respect of payments to members of the Board. 55 V. c. 34, s. 4 (16, 17); 60 V. c. 27, s. 22.

Oath of  
Examiner.

(5) Each member of the Board of Examiners shall take the following oath of office before a Judge of a County Court, or a Justice of the Peace:

I,                      of                      having been appointed a member of the Board of Examiners for the admission of Ontario Land Surveyors for the Province of Ontario, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

Sworn before me at                      this                      day                      of                      18  
55 V. c. 34, s. 4, (18).

Meetings  
when and  
where to be  
held.

20. The said Board shall meet at the office of the Commissioner of Crown Lands, on the second Monday in the month of February, in every year, unless such Monday be a holiday (in which case they shall meet on the day next thereafter not being a holiday), and may adjourn such meeting from time to time if they deem it necessary. R. S. O. 1887, c. 152, s. 6. 60 V. c. 27, s. 1.

Payment of  
examiners.

21. The Council shall, for each day's attendance pay, out of the funds of the Association, to each member of the Board of Examiners, who attends any examinations, such sum, not less than \$6 nor more than \$8, as the Council may by by-law determine, and his travelling expenses. 55 V. c. 34, s. 6. 60 V. c. 27, s. 25.

#### APPRENTICES.

Qualification  
for admission  
as an appren-  
tice, and ex-  
amination of  
applicant.

22. No person shall be admitted as an apprentice with any Ontario Land Surveyor unless he has previously passed an examination to the satisfaction of the Board of Examiners, in penmanship, orthography, English grammar, arithmetic, algebra, (including square-root logarithms and quadratic equa-



tions), Euclid, (first four books and deductions,) plane trigonometry, spherical trigonometry as far as and including the solution of right-angled triangles, mensuration, practical geometry, (including the use of ruling-pen and the construction of plane and comparative scales) Canadian and general geography and Canadian history, and has obtained a certificate of such examination and of his proficiency from the Board. 60 V. c. 27, s. 2.

**23.** Every applicant shall before being so examined pay to the Secretary-Treasurer of the Association the fees chargeable as hereinafter provided for the said examination and certificate. R. S. O. 1887, c. 152, s. 8. Examination and certificate fees.

**24.** Applicants for examination previous to apprenticeship, shall give one month's notice to the Secretary of the Board of their intention to present themselves for examination, and shall pay to the said Secretary the fee for receiving and entering such notice. R. S. O. 1887, c. 152, s. 9. Notice to be given by applicants.

#### QUALIFICATION FOR ADMISSION TO PRACTISE.

**25.** Except as hereinafter provided no person shall be admitted to practise as a land surveyor in and for Ontario until he has attained the full age of 21 years, and has passed an examination before the Board of Examiners in the following subjects, viz., geometry, including the first six books of Euclid, (with the exception of the last thirteen propositions of the fifth book) algebra, including progressions, plane and spherical trigonometry, mensuration of superficies, laying out and dividing of land, descriptions by metes and bounds for deeds and other documents, the use and adjustment of surveying and levelling instruments, the laying out of curves, practical astronomy, including finding of time, latitude, longitude, azimuth, variation of the compass, and drawing meridian lines, the Acts relating to the survey of lands in Ontario, *The Mines Act*, *The Registry Act*, so far as it refers to plans, the Municipal Acts, so far as they relate to roads, surveys and drainage, *The Drainage Act*, *The Ditches and Watercourses Act*, the theory and practice of levelling, the principles of evidence, drawing of affidavits, taking of field notes and preparing plans, the rudiments of geology and mineralogy, elementary botany and the forest flora of Canada, and the sufficiency of his surveying instruments, and has served regularly and faithfully, for three successive years, except as is in this section hereinafter provided, under an instrument in writing duly executed before two witnesses, as apprentice to an Ontario Land Surveyor, duly admitted and practising therein as such, nor until he has received from the said land surveyor a certificate of his having so served during the said period, or proves to the satisfaction of the Board that he has so served. R. S. O. 1887, c. 152, s. 10. 60 V. c. 27, s. 3. Qualification for admission to practise.  
Rev. Stats. cc. 36, 136 ;  
cc. 226, 285.  
Apprenticeship.

Attendance of apprentice at School of Practical Science or institution with similar course of study.

**26.** Any person serving as an apprentice as hereinbefore provided, may, with the permission of the Board of Examiners attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is, in the opinion of the Board, sufficiently similar to that in the Ontario School of Practical Science, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practise as a land surveyor, but the total period of such apprenticeship and of such course of study shall not exceed the period of four years from the date of the articles of apprenticeship as above mentioned, and not less than three years of the said period of four years shall be passed in the actual service of a practising Ontario Land Surveyor. 60 V. c. 27, s. 4.

Persons qualified in other British dominions may be admitted to practice in Ontario.

**27.** In case a person who has attained the full age of 21 years and who has been practising as a land surveyor in any of Her Majesty's dominions other than this Province, shall satisfy the Board of Examiners that the qualifications for practising required of such person in the said dominion, were sufficiently similar to those required in this Province, and shall produce to the said Board his diplomas or certificates, such person shall not be required to serve as an apprentice, or shall only be required to serve during such period not exceeding three years as the said Board may consider requisite, after which such person shall, on complying with the other requirements of this Act, have the right to undergo the final examination, or such portions thereof as the said Board may consider necessary, and shall, if found qualified, be admitted to practise as a land surveyor in Ontario. 60 V. c. 27, s. 6.

Graduates of Royal Military College, Kingston, or of Ontario School of Practical Science, and McGill College, Montreal, to have certain privileges.

**28.** The privilege of a shortened term of apprenticeship shall also be accorded to any graduate of the Royal Military College at Kingston, or of the Ontario School of Practical Science, in civil engineering or in mining engineering, or of the McGill College, Montreal, in civil engineering or in mining engineering, and such person shall not be required to pass the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, but shall only be bound to serve under articles with a practising land surveyor, duly filed as required by section 32 of this Act, during twelve successive months of actual practice, after which, on complying with all the other requirements, he may undergo the examination prescribed by this Act. R. S. O. 1887, c. 152, s. 14 60 V. c. 27, s. 7 (1).

Attendance at certain schools during apprenticeship.

**29.** Such person at any time during his apprenticeship may, with the permission of the Board of Examiners, attend the Ontario School of Practical Science, or any school, college, or university, the course of study in which is, in the opinion of the Board, sufficiently similar to that in the Ontario School of Practical Science, for the purposes of taking any course of

study which includes any subjects required for the final examination for admission to practise as a land surveyor, but the total period of such apprenticeship, and of such course of study, shall not exceed the period of two years from the date of the articles of apprenticeship as above mentioned, and not less than twelve months of the said period of two years shall be passed in the actual service of a practising Ontario Land Surveyor. 60 V. c. 27, s. 7 (2).

**30.** If a surveyor dies or leaves the Province, or is suspended or dismissed, or ceases to practise, his apprentice may complete his term of apprenticeship, under an instrument in writing as aforesaid, with any registered surveyor in actual practice. R. S. O. 1887, c. 152, s. 15. 60 V. c. 27, s. 8.

If surveyor dies, etc., service may be completed with another surveyor.

**31.** A surveyor may, by an instrument in writing, transfer an apprentice, with his own consent, to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. R. S. O. 1887, c. 152, s. 16. 60 V. c. 27, s. 9.

Instruments of apprenticeship may be transferred.

**32.** No instrument in writing under which an applicant for admission to practise as a surveyor claims to have served with some practising surveyor for the required period shall avail to authorize the admission of an applicant, unless the instrument, has been transmitted to the Secretary of the Board within two months next after the date thereof, nor unless the fee in respect thereof mentioned in section 39 of this Act was by the apprentice paid to the Secretary of the Board at the time of transmitting the indenture or articles; and the said Secretary shall acknowledge by post the receipt of all such instruments or copies thereof transmitted to him, and shall carefully keep the same filed in his office. R. S. O. 1887, c. 152, s. 17. 60 V. c. 27, s. 10.

Instruments binding to service to be filed, etc.

#### ADMISSION OF CANDIDATES.

**33.** Every person desiring to be examined by the Board as to his qualification to be admitted as a land surveyor, shall give notice thereof in writing to the Secretary of the Board, at least one month previous to the meeting thereof. R. S. O. 1887, c. 152, s. 18.

Notice of examination to be given by candidates for admission.

**34.** Every person applying for admission to practise as a land surveyor shall produce to the Board satisfactory certificates as to character for probity and sobriety, and before a certificate is granted shall perform such practical operations in the presence of the Board, and shall answer such questions on oath (which oath any member of the Board may administer) with regard to the actual practice of such applicant in the field, and with regard to his surveying instruments, as the said Board may require. R. S. O. 1887, c. 152, s. 19.

The board to require certificates of good conduct, etc.

If the examiners approve of the candidate they are to grant him a certificate.

**35.** If the said examiners are satisfied as to the qualifications of the candidate, and his compliance with all the preliminary requirements of this Act, they shall grant him a certificate in the form following:

This is to certify to all whom it may concern, that *A. B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ has duly passed his examination before the Board of Examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor in and for Ontario, he having complied with all the requirements of the law in that behalf. Wherefore the said *A. B.* is admitted to the said office, and is by law authorized to practise as a land surveyor in Ontario.

In witness whereof, we have signed this certificate at the City of Toronto, in the County of York, and Province of Ontario, Dominion of Canada, the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

*Signature of the Chairman, C. D.*

*Signature of the Secretary, E. F.*

and such certificate shall, on the applicant complying with the other requirements of this Act, entitle him to practise as a land surveyor in and for Ontario. R. S. O. 1887, c. 152, s. 20.

Candidates to give security.

**36.**—(1) Each applicant, before receiving the above mentioned certificate, shall, with two sufficient sureties to the satisfaction of the said board of examiners, or the Chairman or Secretary thereof, enter into a bond jointly and severally in the sum of \$1,000 to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office. R. S. O. 1887, c. 152, s. 21 (1). 60 V. c. 27, s. 11.

Where bonds to be deposited.

(2) The said bond shall be deposited and kept in the manner by law prescribed with regard to bonds given for like purposes by other public officers, and shall enure to the benefit of any party sustaining damage by breach of the condition thereof; and the certificate shall be registered in the office of the Provincial Secretary. R. S. O. 1887, c. 152, s. 21 (2).

Oaths of allegiance and office.

**37.**—(1) Each applicant, after having been granted a certificate, shall also take and subscribe the oath of allegiance, and the following oath before the Board of Examiners, or a member thereof specially deputed by the Board for that purpose who are hereby empowered to administer the same:

“I, *A. B.*, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a land surveyor, according to law, without favour, affection or partiality: So help me God.”

(2) The said oaths of allegiance and of office shall be deposited in the office of the Provincial Secretary. R. S. O. 1887, c. 152, s. 22. 60 V. c. 27, s. 12.

#### SUSPENSION FOR MISCONDUCT.

Dismissal or suspension of members.

**38.**—(1) The Council may in their discretion suspend or dismiss from the Association any land surveyor whom they



find guilty of gross negligence or corruption in the execution of the duties of his office; but the council shall not take action until a complaint made under oath has been filed with the Secretary-Treasurer, and a copy thereof forwarded to the party accused, nor shall the Council suspend or dismiss such land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor inculpated, and all such evidence shall be taken under oath, which oath the Chairman of the said Council, or person acting as such in his absence, or the Secretary, is hereby authorized to administer, and all such evidence shall be taken down by a duly qualified stenographer, as in the case of evidence taken in the High Court of Justice.

(2) Any surveyor so dismissed or suspended may, within fourteen days after the order or resolution of dismissal or suspension, appeal to a Judge of the High Court against such order or resolution by giving seven days notice to the Council, and may require the evidence taken to be filed in the Central Office of the High Court, and the costs of such appeal shall be in the discretion of the Judge.

(3) Unless the order or resolution shall be set aside or the Judge or Council shall otherwise order, any surveyor so suspended or dismissed shall not have the right to practise as a surveyor until after the appeal shall have been disposed of, except where the time for which he was so suspended shall have expired. 55 V. c. 34, s. 5 (1).

(4) The Council may in their discretion suspend or dismiss from the Association any member, and cause his name to be removed from the register, if such member has upon indictment been convicted of any crime by any court of competent jurisdiction. 60 V. c. 27, s. 24.

(5) If the Council think fit in any case, they may direct the Registrar to restore to the register any name or entry erased therefrom, either without fee or on payment of such fee, not exceeding the arrears of fees due to the Association by such person, as the Council may, from time to time, fix, and the Registrar shall restore the same accordingly. 55 V. c. 34, s. 5 (2); 60 V. c. 27, s. 23.

#### FEES.

**39.** The following fees shall be paid to the Secretary-Treasurer for the use of the association: Tariff of fees.

1. By every person duly authorized to practise as a land surveyor under the provisions of this Act on applying for registration under this Act, the sum of \$1;

2. By each member of this association an annual membership fee of \$4;

3. By each apprentice at the transmitting to the secretary the indenture or articles of such apprenticeship, \$1;

4. By each candidate for examination, with his notice thereof, for receiving and entering such notice, \$1 ;

5. By each applicant obtaining a certificate, as a fee thereon, \$2 ;

6. By each applicant receiving a certificate to practise, as an admission fee, \$30 ;

7. By each apprentice with each transfer of articles as a fee for registering same, \$2 ;

8. By each applicant receiving a certificate to practise, being the fee for official notice in the *Ontario Gazette*, \$1.

55 V. c. 34, s. 7 ; 60 V. c. 27, s. 26.

Witness fees.

**40.** The sum of \$5 shall be paid to every surveyor summoned to attend any civil or criminal court, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends, in addition to his travelling expenses (if any), to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R. S. O. 1887, c. 152, s. 25, item 5.

#### REGISTRATION OF PERSONS ENTITLED.

How register  
to be kept.

**41.** It shall be the duty of the Secretary-Treasurer of the Association as Registrar of the Association, to make and keep a correct register in accordance with the provisions of this Act, as shown in Schedule A hereto of all persons who shall be entitled to be registered under this Act, and to enter opposite the names of all registered persons who shall have died a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered, and subject to this Act to keep the register in accordance with the by-laws of the Association and the orders and regulations of the Council. 55 V. c. 34, s. 9 and s. 17 par

Effect of  
omitting to  
register.

**42.—(1)** No person entitled to be registered under this Act, who neglects or omits to be so registered shall be entitled to any of the rights or privileges conferred by registration under the provisions of this Act so long as such neglect or omission continues.

Removal of  
names from  
list.

**(2)** A registered surveyor desiring to give up practice may have his name removed from the registered list of practitioners at any time upon giving written notice to the Secretary-Treasurer of such desire, and paying up all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fees for the year in which such notice is given, have his name re-registered.

Registrar not  
to admit im-  
proper entries.

**(3)** No name shall be entered in the register, except of persons authorized by this Act to be registered, nor unless the Registrar is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled, and any

appeal from the decision of the Registrar shall be decided by the Council of the said Association, and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, shall be erased from or amended in the register by order of such Council. 55 V. c. 34, s. 10 (1-3).

(4) The Association may by by-law provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more, and has during the entire period been a duly qualified surveyor, may be exempted from the payment of the annual membership fee to the Association. 55 V. c. 34, s. 10 (4); 60 V. c. 27, s. 27.

43. Any person who was duly authorized to practise as a surveyor of lands in the Province of Ontario on the 14th day of April, 1892, who through absence, illness or inadvertence, has omitted to become a member of the said Association may be admitted by the Council to enrolment as an Ontario Land Surveyor upon payment of the arrears of fees or such part thereof as the Council may direct. 55 V. c. 34, s. 11 (2).

Omission to register through absence, etc.

44.—(1) No person, unless registered as above provided, shall be entitled to take or use the name or title of Ontario Land Surveyor, either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

Penalty for practising while unregistered.

(2) Any person who, not being registered under this Act, takes or uses such name, title or description as aforesaid, shall be liable on summary conviction to a fine not exceeding \$20 for the first offence, and not exceeding \$50 for each subsequent offence. 55 V. c. 34, s. 11 (3).

45. The Registrar of the Association shall in every year cause to be printed, published and kept for inspection at his office, free of charge, under the direction of the Council, a correct register of the names in alphabetical order, according to the surnames, with the respective residences, in the form set forth in Schedule C to this Act or to the like effect, of all persons appearing on the general register, on the first day of January in every year, and such register shall be called the "Surveyors' Register," and a copy of such register, for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all Courts, and before all Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this Act; Provided always that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the Association of the entry of the name of such person in the register, shall be evidence that such person is registered under the provisions of this Act. 55 V. c. 34, s. 12 (1).

A register of practising surveyors to be published annually.

Proviso.

## FRAUDULENT REGISTRATION.

Penalty for making improper entries.

**46.** If the Registrar shall wilfully make, or cause or allow to be made any falsification, in any matters relating to the register, he shall be liable, upon summary conviction thereof, to a fine of not less than \$20 and not more than \$50 besides costs, and in default of payment, to imprisonment for a period of six months, unless the fine and costs shall be sooner paid. 55 V. c. 34, s. 12 (2).

Penalty for procuring entry by fraud.

**47.** Any person who wilfully procures or attempts to procure registration under this Act, by making or producing or causing to be produced, or made any false or fraudulent representation or declaration, either verbally or in writing, that he is entitled to such registration, shall be liable, upon summary conviction thereof, to a fine of not less than \$20 and not more than \$50 besides costs, and in default of payment, to imprisonment for a period of six months, unless the fine and costs be sooner paid, and the Council may remove the name of the offender from the registry. 55 V. c. 34, s. 13.

## RECOVERY OF FEES AND PENALTIES.

Recovery of fees and penalties. Rev. Stat. c. 90.

**48.**—(1) All fees payable under this Act may be recovered as ordinary debts due the Association; and all penalties under this Act may be recovered and enforced before any Justice of the Peace, in the manner directed by *The Ontario Summary Convictions Act*.

(2) Any sum or sums of money arising from convictions and recovery of penalties as aforesaid, shall be paid immediately upon the recovery thereof, by the convicting Magistrate to the Registrar of the Association.

(3) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties as they may deem expedient towards the payment of such prosecutor. 55 V. c. 34, s. 14.

## NOTICES AND DOCUMENTS.

Notices and documents may be mailed.

**49.**—(1) Subject to the other provisions of this Act, all notices and documents required by, or for the purposes of this Act to be sent, may be sent by post, by registered letter, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepared and properly addressed and mailed.

Form of, and how may be addressed.

(2) Such notices and documents may be in writing or in print, or partly in writing and partly in print, and when sent to the Council or other authorities, shall be deemed to be



properly addressed if addressed to the said Council or authorities, or to some officer of the Council or authority at the principal place of business of the Council or authority, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the Association. 55 V. c. 34, s. 15.

#### HOW FUNDS TO BE APPLIED.

**50.**—(1) All moneys arising from fees payable on registration, or from the annual fees, or from the sale of copies of the register or otherwise shall be paid to the Registrar of the Association to be applied in accordance with such regulations as may be made by the Council for defraying the expenses of registration, and other expenses of the execution of this Act. How fees, etc., to be applied.

(2) The Council shall have power to invest any sum not expended as above, in such securities as shall be approved of by the Government of the Dominion of Canada or of the Province of Ontario, in the name of any three of their number appointed as trustees, and any income derived from any such invested sums shall be added to and considered as part of the ordinary income of the Association. Investment in securities.

(3) The Association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, lecture rooms, libraries, or for any other public purpose connected with land surveying. 55 V. c. 34, s. 16. In certain buildings.

**51.** The Secretary-Treasurer and Registrar of the Association, shall enter in books to be kept for that purpose a true account of all sums of money by him received and paid under this Act and such account shall be audited by the auditors, and submitted to the Council and Association at such time or times as they may require. 55 V. c. 34, s. 17 part. Accounts to be kept and audited.

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#### SCHEDULE A.

### SCHEDULE A.

(Section 41)

## FORM OF REGISTER.

NAME.	Residence. P. O. address.	Qualifica- tions and additions.	When ad- mitted	When ceased to practice.	When died.

55 V. c. 34, Sched. A.

## SCHEDULE B

(Section 11.)

FORM OF VOTING PAPER.

Association of Ontario Land Surveyors Election 18

I, \_\_\_\_\_ of the \_\_\_\_\_  
in the county of \_\_\_\_\_  
member of the Association of Ontario Land Surveyors, do hereby declare,

(1) That the signature affixed hereto is in my proper handwriting.

(2) I vote for A. B., of \_\_\_\_\_ of \_\_\_\_\_  
in the county of \_\_\_\_\_, as president, vice-president  
secretary-treasurer, auditor or auditors, as the case may be.)

(3) I vote for the following persons as members of "the council of management of the association of Ontario Land Surveyors :— *A. B.*, of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_, and *C. D.*, of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_.

(4) That I have signed no other voting paper at this election.

(5) That this voting paper was executed on the day of the date thereof.

Witness my hand this                      day of                      , A.D. 18

55 V. c. 34 Sched. B.

SCHEDULE C.

(Section 45)

SURVEYORS' ANNUAL REGISTER, 1ST JANUARY, 18 ,

NAME.	Residence. P. O. address.	Qualifications and additions

55 V. c. 34, Sched. C.

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## CHAPTER 181.

## An Act respecting the Survey of Lands.

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SHORT TITLE, s. 1.	PRIVATE SURVEYS IN CITIES, TOWNS AND VILLAGES, ss. 39-42.
CERTAIN BOUNDARY LINES VALID, s. 2.	ROAD ALLOWANCES, s. 39.
STANDARD OF MEASURE, ss. 3, 4.	JOURNALS AND FIELD NOTES, s. 40.
CHAIN-BEARERS—OATH OF, s. 5.	ADMINISTRATION OF OATHS, s. 41.
POWER TO PASS OVER LANDS IN DISCHARGE OF DUTY, s. 6.	MANNER OF TAKING EVIDENCE, s. 42.
SURVEY OF BOUNDARY LINES, ss. 7-38.	OFFENCES AND PENALTIES UNDER C. S. C. c. 77, s. 31.

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Short title. - 1. This Act may be cited as "*The Surveys Act.*"

## CERTAIN BOUNDARY LINES DECLARED VALID.

Boundary lines heretofore established confirmed.

2. All boundary or division lines legally established, and ascertained under the authority of Ordinances or Acts heretofore in force, shall remain good, and all other acts or things legally done and performed under the authority of the said Ordinances or Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding the repeal of any such Ordinance or Act. R. S. O. 1887, c. 152, s. 26.

## STANDARD OF MEASURE.

The standards of measure regulated.

3. The standard of English measure of length, compared with and corrected by the standards for such measures established in this Province, and procured by the Commissioner of Crown Lands for the purpose of comparing therewith the standards to be kept by each surveyor as hereinafter provided, shall be deposited with the Secretary of the Board of Examiners at Toronto, and the said Secretary, under such instructions as he from time to time receives from the Board, shall examine, test and stamp each standard measure of length for the surveyors, who bring the same for examination, in the same manner as the Commissioner of Crown Lands may do and with the same effect; and for each measure so examined and stamped such Secretary may demand and receive such sum not less than fifty cents, nor more than \$2, as the Council of Management of the Association of Ontario Land Surveyors may by by-law determine. R. S. O. 1887, c. 152, s. 27; 60 V. c. 27, s. 13.



4. Every Ontario Land Surveyor duly admitted and practising shall procure and shall cause to be examined, corrected and stamped or otherwise certified by the Commissioner of Crown Land, or some one deputed by him for that purpose, or by the Secretary aforesaid, a standard measure of length, under the penalty of the forfeiture of his license or certificate, and shall, previously to proceeding on any survey, verify by such standard the length of his chains and other instruments for measuring. R. S. O. 1887, c. 152, s. 28.

Surveyors to procure a stamped standard measure of length.

#### CHAIN-BEARERS.

5. Every chain-bearer shall, before he commences his chaining or measuring, take an oath or affirmation to act as such justly and exactly according to the best of his judgment and ability and to render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty, and that he is absolutely disinterested in the survey in question, and is not related or allied to any of the parties interested in the survey within the fourth degree, according to the computation of the civil law—that is to say, within the degree of cousin-german, which oath the surveyor employing such chain-bearer is hereby authorized and required to administer; and no person related or allied to any of the parties within the said degree shall be employed as a chain-bearer on any survey. R. S. O. 1887, c. 152, s. 29.

Chain-bearers to be sworn, and oath to be taken.

No one within degree of first cousin to parties to be employed.

#### PASSING OVER OTHER LANDS.

6. A land surveyor, when engaged in the performance of the duties of his profession, may pass over, measure along and ascertain the bearings of any line or limit whatsoever, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. R. S. O. 1887, c. 152, s. 30.

When land surveyors may pass over private lands.

#### DETERMINING BOUNDARY LINES.

7. Where a surveyor is in doubt as to the true boundary or limit of any township, concession, range, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document tending to establish the true position of such boundary or limit, then if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor or the party employing him may file in the office of the County Court a praecipe for a subpoena or subpoena *duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before a Justice of the Peace, of the facts on which the application is founded, and the Judge

Course to be adopted by surveyors to ascertain boundary line, when doubtful, etc.

May subpoena witnesses.

may order a subpoena to issue accordingly, commanding such person to appear before the surveyor, at a time and place to be mentioned in the said subpoena and to bring with him any writing, plan or document mentioned or referred to therein. R. S. O. 1887 c. 152, s. 31.

Service of  
subpoena.

8. The subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown-up person of his family at his residence, exhibiting to him or to such grown-up person the original. R. S. O. 1887, c. 152, s. 32.

Penalty  
of disobeying.

9. If the person commanded to appear by the subpoena, after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the time and place appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, the person so summoned shall be deemed guilty of a contempt of the Court out of which the subpoena issued, and an attachment may be issued against him by the Judge of the said Court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of the Judge. R. S. O. 1887, c. 152, s. 33.

Stone monu-  
ments to be  
placed at cer-  
tain points in  
townships.

10. Stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points or off-sets of every township already surveyed, or after this Act takes effect from time to time surveyed, and also at each end of the several concession lines of such townships; and lines drawn in the manner hereinafter prescribed from the monuments so erected, shall be taken and considered to be the permanent boundary lines of such townships and concessions respectively. R. S. O. 1887, c. 152, s. 34.

Under di-  
rection of  
Commissioner  
of Crown  
Lands.

11. The monuments to be placed as above mentioned shall be so placed under the direction and order of the Commissioner of Crown Lands. R. S. O. 1887, c. 152, s. 35.

Boundaries as-  
certained as  
aforesaid to be  
deemed the  
true ones.

12. The courses and lengths of the said boundary lines, so ascertained and established, shall on all occasions be the true courses and lengths of the boundary lines of the said townships and concessions, whether the same do or do not, on actual survey, coincide with the courses and lengths mentioned and expressed in respect of such boundary lines in any letters patent of grant or other instrument. R. S. O. 1887, c. 152, s. 36.

Monuments  
need not be  
placed under  
ss. 10-12 ex-

13. It shall not be necessary or of the Commissioner of Crown Lands to proceed to carry the provisions of the last preceding three sections of this Act into execution, until an application for

that purpose has been made to the Lieutenant-Governor, by the council of the county in which the township or townships interested is situate, and such council shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the inhabitants of any township or concession, to be levied on the said inhabitants, in the same manner as any sum required for any other local purpose authorized by law may be levied. R. S. O. 1887, c. 152, s. 37.

14.—(1) Whereas in several of the townships in Ontario some of the concession lines, and side road lines, or parts of the concession lines and side road lines were not run in the original survey performed under competent authority, and the survey of some of the concession lines and side road lines, or parts of the concession lines and side road lines have been obliterated, and owing to the want of such lines the inhabitants of such concessions are subject to serious inconvenience, therefore the municipal council of the township in which such lines are situated, may, on application of one-half the resident landholders in any concession, or part of a concession, or upon its own motion without such application, apply to the Lieutenant-Governor, requesting him to cause any such line or lines to be surveyed and marked by permanent stone or iron boundaries under the direction and order of the Commissioner of Crown Lands, in the manner prescribed in this Act, at the cost of the proprietors of the lands in each concession or part of a concession interested.

In what cases the township council may apply to have monuments placed to mark concession and side road lines.

(2) The concession lines, where not run, or where they have been obliterated, shall be so drawn as to leave each of the adjacent concessions of a depth proportionate to that intended in the original survey.

Depth of adjacent concessions.

(3) The survey of the parts of those concession lines intended to be straight, and which were not run or which have been obliterated, shall be established by drawing a straight line between the two nearest points or places where such line or lines can be clearly and satisfactorily ascertained. R. S. O. 1887, c. 152, s. 38 (1-3).

How lines to be established.

(4) On the return of such survey to the Commissioner of Crown Lands, he shall cause a notice thereof to be advertised once in each week for four weeks in some newspaper published in the county town of the county in which the lands lie, and shall specify in the advertisement a day not less than ten days from the last publication on which the report of the survey will be considered, and the parties affected thereby heard, and on the hearing the Commissioner may either confirm the survey or direct such amendments or corrections to be made as shall seem just, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked as aforesaid, shall thereafter be the permanent boundary lines of such concession or side roads or part of concessions or side roads, to all intents and purposes of law, whatsoever, and the

Commissioner of Crown Lands may confirm survey after which the lines to be the permanent boundaries.

order of the said Commissioner confirming the said survey shall be final and conclusive upon all parties, and shall not be questioned in any court whatsoever. 60 V. c. 27, s. 14.

Expenses to be estimated and provided for.

(5) The council shall cause to be laid before them an estimate of the sum requisite to defray the expenses to be incurred in order that the same may be levied on the said proprietors, in proportion to the quantity of land held by them respectively in such concession or part of a concession, in the same manner as any sum required for any other purposes authorized by law may be levied. R. S. O. 1887, c. 152, s. 38 (5).

Municipal councils may have the boundaries of lots ascertained and marked.

**15.**—(1) Whenever the municipal council of any township, city, town or incorporated village adopts a resolution, on application of one-half the resident landholders to be affected thereby, or upon its own motion, that it is desirable to place stone or other durable monuments at the front or at the rear, or at the front and rear angles of the lots in any concession or range or block or part of a concession, or range or block in their township, city, town, or incorporated village, such municipal council may make application to the Lieutenant-Governor, in the same manner as is provided in section 14, praying him to cause a survey of such concession or range or block, or part of a concession or range or block, to be made, and such boundaries to be planted, under the authority of the Commissioner of Crown Lands. R. S. O. 1887, c. 152, s. 39 (1).

Boundaries to be marked with durable monuments.

(2) The surveyor making such survey shall accordingly plant stone or other durable monuments at the front, or at the rear, or at the front and rear angles of each and every lot in such concession or range or block, or part of a concession or range or block, and after confirmation of the survey in the manner provided in the fourth subsection of the preceding section, the limits of each lot so ascertained and marked shall be the true limits thereof. R. S. O. 1887, c. 152, s. 39 (2); 60 V. c. 27, s. 15.

How cost to be defrayed.

(3) The cost of such survey shall be defrayed in the manner prescribed by section 14 of this Act. R. S. O. 1887, c. 152, s. 39 (3).

Municipal treasurer to pay in first instance.

**16.** All expenses incurred in making any survey, or placing any monument or boundary under the provisions of section 10 and the following sections, shall be paid by the treasurer of the municipality which made the application for the survey, to the person or persons employed in such services, on the certificate and order of the Commissioner of Crown Lands. R. S. O. 1887, c. 152, s. 40; 60 V. c. 27, s. 16.

Boundaries placed under the authority of the Government to be deemed the true ones, etc.

**17.** All boundary lines of townships, cities, towns and villages, all concession lines, governing points, and all boundary lines of concessions, sections, blocks, gores and commons, and all side lines and limits of lots surveyed, and all trees marked



in lieu of posts and all posts or monuments, marked, placed or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Government of the late Province of Quebec or of Upper Canada or of Canada, or under the authority of the Executive Government of this Province, shall be the true and unalterable boundaries of all and every such townships, cities, towns, villages, concessions, sections, blocks, gores, commons, and lots or parcels of land, respectively, whether the same upon admeasurement be found to contain the exact width, or more or less than the exact width mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, common, lot or parcel of land. R. S. O. 1887, c. 152, s. 41.

18. Every township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall embrace the whole width, contained between the front posts, monuments or boundaries, planted or placed at the front angles thereof respectively, so marked, placed or planted as aforesaid, and no more nor less, any quantity or measure expressed in the original grant or patent thereof notwithstanding. R. S. O. 1887, c. 152, s. 42.

Townships, etc., to embrace the width between the front posts.

19. Every patent, grant or instrument, purporting to be for any aliquot part of any concession, section, block, gore, common, lot or parcel of land in any such township, city, town or village, shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument. R. S. O. 1887, c. 152, s. 43.

As to aliquot parts of townships, etc.

20. In every city, town or village, or any part thereof, which has been surveyed by the authority aforesaid, all allowances for any road, street, lane or common laid out in the original survey of such city, town or village, or any part thereof, shall be public highways and commons; and all posts or monuments placed or planted in the original survey of such city, town or village, or any part thereof, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of every such road, street, lane, lot and common; and all land surveyors, employed to make surveys in such city, town or village, or any part thereof, shall follow and pursue the same rules and regulations in respect of such surveys as is by law required of them when employed to make surveys in townships. R. S. O. 1887, c. 152, s. 44.

Road allowances in cities, etc., to be public highways.

Monuments on original survey to govern.

21. All surveys of townships, tracts or blocks of land in this Province, granted by the Crown to companies and individuals before any surveys had been made therein, and which were afterwards surveyed by the owners thereof, shall be original surveys thereof, and shall have the same force and

As to unsurveyed lands granted in blocks and subsequently surveyed by the grantees.

effect as though the said original surveys and the plans thereof had been made by competent authority ; and all allowances for roads or commons surveyed in such townships, tracts or blocks of land, and laid down on the plans thereof, shall be public highways and commons ; and all lines run and marked in such original surveys, and all posts or monuments planted or placed in such original surveys to designate and define any allowance for road, concession, common or lot of land, shall be the true and unalterable lines and boundaries of such allowance for road, common or lot of land ; and all land surveyors, when employed to make surveys in such townships, tracts or blocks of land, shall follow and pursue the same rules and regulations in respect of such townships, tracts or blocks of land, and the original surveys thereof, as they are by law required to follow and pursue in all townships, tracts or blocks of land surveyed by the authority aforesaid. R. S. O. 1887, c. 152, s. 45.

Governing  
lines declared.

**22.** The course of the boundary line of each and every concession, on that side from which the lots are numbered, shall be the course of the division or side lines throughout the several townships or concessions respectively, provided that such division or side lines were intended, in the original survey performed under such authority as aforesaid, to run on the same course as the said boundary. R. S. O. 1887, c. 152, s. 46.

All side lines  
to be run on  
the same  
course as gov-  
erning lines.

**23.** Every surveyor shall run all division or side lines, which he is called upon by the owner or owners of any lands to survey on the same course as that boundary line of the concession in which such lands are situate, from whence the lots are numbered as aforesaid, provided such division or side lines were intended, in the original survey performed under such competent authority as aforesaid, to run on the same course as the said boundary. R. S. O. 1887, c. 152, s. 47.

Course to be  
adopted where  
concession  
bounded by  
lakes or rivers.

**24.** Where that end of a concession, from which the lots are numbered, is wholly bounded by a lake or river, or other natural boundary, or where it has not been run in the original survey performed under competent authority as aforesaid, or where the course of the division or side lines of the lots therein was not intended in the original survey performed as aforesaid, to be on the same course as such boundary, the said division or side lines shall be run on the same course as the boundary line at the other extremity of such concession, provided their course was intended, in the original survey performed as aforesaid, to be the same, and that such boundary line was run in the original survey. R. S. O. 1887, c. 152, s. 48.

Where divi-  
sion or side  
lines not  
intended to  
run on the  
same course  
as the side

**25.** Where in the original survey, performed under competent authority as aforesaid, the course of the division or side lines in any concession was not intended to be on the same course as the boundary line at either end of such concession, they shall be run at such angle with the course of the boundary

line at that end of the concession from which the lots are numbered, as is stated in the plan and field notes of the original survey, of record in the Department of Crown Lands, provided such line was run in the original survey as aforesaid, or with the course of the boundary line at the other extremity of the said concession, if the boundary at that end of the concession from which the lots are numbered was not run in the original survey; or if neither of the aforesaid boundaries of the concession was run in the original survey, or if the concession is wholly bounded at each end by a lake or river, or other natural boundary, then at such angle with the course of the line in front of the said concession as is stated in the plan and field notes aforesaid, or if parts of the concession line have been run on different courses as shewn on said plans and field notes, then at such angle with the course of each of these parts, as is stated in the plan and field notes aforesaid. R. S. O. 1887, c. 152, s. 49.

lines at either end of a concession.

**26.** If any division or side line between lots, or proof line intended to be on the same course as the division or side lines between lots, was drawn in any such concession, bounded as aforesaid, in the original survey thereof, the division or side lines between the lots therein shall be on the same course as such division or side line or proof line. R. S. O. 1887, c. 152, s. 50.

Where a division or proof line has been run between lots, the same shall govern.

**27.** Where two or more such division or side lines or proof lines were drawn in the original survey of such concession, bounded as aforesaid, that division or side line or proof line which is nearest to the boundary of the concession from which the lots are numbered, shall govern the course of the division or side lines of all the lots in such concession between the boundary of the concession from which the lots are numbered, and the next division or side line or proof line drawn in the original survey; and such last mentioned line or proof line shall govern the course of the division or side lines of all the lots up to the next division or side line or proof line drawn in the original survey, or to the boundary of the concession towards which the lots are numbered, as the case may be. R. S. O. 1887, c. 152, s. 51.

Where there are two of such lines, the line nearest the end of the concession, from which the lots are numbered, to govern to the next of such lines.

**28.--(1)** Except as provided in the next subsection, in all those townships which in the original survey were divided into sections, agreeably to an Order in Council bearing date the 27th day of March, 1829, or which have since been or shall be divided into sections or blocks of one thousand acres, or thereabouts, or six hundred and forty acres or thereabouts, as the case may be, under instructions from the Commissioner of Crown Lands, the division or side lines in all concessions, in any section or block, shall be governed by the boundary lines of such section or block, in like manner as the division or side lines in townships originally surveyed before

How lines to be governed in townships laid out in sections under the O.C. of the 27th March, 1829, etc.

## Proviso.

the said day, are governed by the boundary lines of the concession in which the lots are situated: Provided that in those sections or blocks the governing boundaries of which are broken by lakes or rivers in such a way that the course thereof cannot accurately be determined, a surveyor when called upon to run any side line in any concession in such section or block, shall run such side line on the astronomical course of the side lines of the lots in the township, as shewn on the original plan and field notes thereof, of record in the Department of Crown Lands. R. S. O. 1887, c. 152, s. 52.

## Exceptions.

(2) On and after the 1st day of July, 1897, the lines between all lots in the following townships, namely, all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing, which lie south of the Mattawan River and Trout Lake, and the Township of Mattawan in the said district; all townships in the Provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavanish, Anstruther and Chandos, in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto and North Canonto, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the County of Renfrew, shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department of Crown Lands, but nothing contained in this subsection shall affect the lines in any block in any of the above townships in which any line shall have been run prior to the 1st day of July, 1897.

## Surveyors to make returns to township clerk.

(3) Every surveyor shall on the 31st day of December, 1897, and on the 31st day of December in each year thereafter, make to the township clerk a return according to the form given in the Schedule to this Act of all lines run by him in any of the aforesaid townships under the provisions of the above next preceding subsection. 60 V. c. 27, s. 17.

## Proceedings where monuments or posts cannot be found in certain townships.

**29.** Whenever an Ontario Land Surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter-sections, or other aliquot parts of any section in any of the following townships, namely, any township in the Rainy River district subdivided into sections, in accordance with the Dominion Lands system of survey, or in any of the following townships and parts of townships in the Districts of Algoma and Rainy River, namely, Rutherford, Salter, Victoria, all that portion of Shedden south of the fourth concession, the Townships



of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the Townships of Thessalon-River, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, Van-koughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the Township of Havilland, the Townships of Tilley, Parke, Prince, Dennis, Kars, Fisher, Palmer, Herriek, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer and Byron, and the post or monument planted, erected or marked in the original survey to define the corner of such section, quarter-section or other aliquot part cannot be found, such surveyor shall obtain the best evidence that the nature of the case admits of respecting such post or monument, but if the position of the same cannot be satisfactorily so ascertained he shall proceed as follows:—

1. If the lost post or monument is that of a township corner, he shall report the circumstances of the case to the Commissioner of Crown Lands, who shall instruct him how to proceed;

2. If the lost post or monument is that of a section or quarter-section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes, quarter-section or section corners on such boundary by a straight line, and shall give to each section or quarter-section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department of Crown Lands, having first taken into account and made due allowance for the road or roads, if any, shewn on the said plan and field notes;

3. If the lost post or corner is that of a section in the interior of a township, he shall renew the same by intersecting the straight lines joining the nearest original blazes, or original quarter-section or section corners, on the adjoining intersecting section boundaries. Where the nearest section corner on any side of the lost post or monument is on a township boundary, and when that post or monument is lost, and also the intervening quarter-section posts or monuments, and where there are no original blazes between said corners, the surveyor shall first renew the said section corner or corners on such township boundary in accordance with the provisions of the next preceding clause;

4. If the lost post or corner is that of a quarter-section in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners (determined, if necessary, as aforesaid), and shall give to each of the adjacent quarter-sections a breadth proportionate to that shewn on the original plan and field notes aforesaid;

5. In laying out interior boundaries of half-sections or of quarter-sections he shall connect the opposite quarter-section corners (determined, if necessary, as aforesaid) by straight lines;

6. In laying out interior boundaries of other aliquot parts of any section he shall give to each aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines. 60 V. c. 27, s. 18.

What shall be deemed the front of a concession where only a single row of posts planted.

Side lines in such cases.

**30.** The front of each concession in any township, where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be that end or boundary of the concession which is nearest to the boundary of the township from which the several concessions thereof are numbered; and when the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the front line of the concession in the rear thereof, on the same course as the governing line determined as aforesaid, to the depth of the concession, that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or, if they were not so intended, then to the proportionate depth intended in the original survey, as shewn on the plan and field notes thereof of record in the Department of Crown Lands, having due respect to any allowance for a road or roads made in the original survey; and a straight line joining the extremities of the division or side lines of any lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the lot which was not run in the original survey. R. S. O. 1887, c. 152, s. 53.

In townships fronting on a river or lake, how division lines to be drawn if no posts planted to mark the width of lots.

**31.** In those townships in which any concession is wholly bounded in front by a river or lake, where no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the width in front of the lots in the broken front concessions, the division or side lines of the lots in such broken front concessions shall be drawn from the posts or other boundaries on the concession line in rear thereof, on the same course as the governing line, determined as aforesaid, to the river or lake in front. Where any concession is bounded in front at either end, in part though not wholly, by a river or lake, and no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the widths of the lots broken by said river or lake, the division or side lines of said broken lots shall be drawn from points on the rear of the concession determined by measuring off the widths proportionately as intended in the original survey, from the intersection of the division or side line of the last whole lot of the original survey with the rear line of said concession, on the same course as the governing line, determined as aforesaid, to the river or lake in front. R.S. O. 1887, c. 152, s. 54.

**32.** In those townships in which the concessions have been surveyed with double fronts, that is, with posts or monuments planted on both sides of the allowances for roads between the concessions, and the lands have been described in half lots, the division or side lines shall be drawn from the posts at both ends to the centre of the concession, and each end of such concession shall be the front of its respective half of such concession, and a straight line joining the extremities of the division or side lines of any half lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the half lot which has not been bounded in the original survey. R. S. O. 1887, c. 152, s. 55.

Concessions  
with double  
fronts.

**33.** And whereas some of the double front concessions are not of the full depth, and doubts have arisen as to the manner in which the division or side lines in such concessions should be established:—Therefore, in such concessions the division or side lines shall be drawn from the posts at both ends thereof, to the centre of the concession, as provided in the last preceding section of this Act, without reference to the manner in which the lots or parts of lots in such concession have been described for patent. R. S. O. 1887, c. 152, s. 56.

Mode of draw-  
ing lines in  
double fronted  
concessions  
not of full  
depth.

**34.** In those townships in which each alternate concession line has only been run in the original survey, but with double fronts as aforesaid, the division or side lines shall be drawn from the posts or monuments on each side of such alternate concession lines to the depth of a concession—that is, to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportionate depth intended in the original survey, as shewn on the plan and field-notes thereof of record in the Department of Crown Lands; and each alternate concession line as aforesaid shall be the front of each of the two concessions abutting thereon. R. S. O. 1887, c. 152, s. 57.

Side lines in  
concessions  
where alter-  
nate conces-  
sion lines only  
have been run;  
and depth of  
each conces-  
sion.

**35.** In cases where any Crown patent of grant, or other instrument, has been issued for several lots or parcels of land in concessions adjoining each other, the side lines or limits of the lots or parcels of land therein mentioned and expressed, shall commence at the front angles of such lots or parcels of land respectively, and shall be run as hereinbefore provided, and shall not continue on in a straight line through several concessions—that is to say, each lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same grant or instrument. R. S. O. 1887, c. 152, s. 58.

As to lands in  
adjoining con-  
cessions in-  
cluded in the  
same grant.

**36.** Every land surveyor employed to run any division line between lots, or any line required to run on the same astronomic course as any division line or side line in the concession in

Division lines  
to be run on  
same astrono-  
mic course as  
straight line

joining front  
and rear ends  
of governing  
lines.

which the land to be surveyed lies, shall run such division line or side line on the same astronomic course (which he shall determine by astronomic observation or by other satisfactory method) as the straight line joining the front and rear ends of the governing boundary line of the concession or section, if so intended in the original survey, or at such angle therewith as is stated in the plan and field notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposes of this Act, although such governing or boundary line as marked in the field be curved or deviate otherwise from a straight course, and if a line is to be run at any angle with a front line or other line which is not straight, the ends of such front or other line shall be joined as above provided. 60 V. c. 27, s. 19

Cases where  
the original  
post or monu-  
ment cannot  
be found, pro-  
vided for.

**37.**—(1) In all cases where a land surveyor is employed to run any side line or limits between lots, and the original post or monument from which such line should commence cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such side line, post or limit; but if the same cannot be satisfactorily ascertained, then the surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments, and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in the original survey, as shewn in the plan and field-notes thereof, of record in the Department of Crown Lands; and if any portion of the line in front of the concession in which such lots are situate, or boundary of the township in which such concession is situate, has been obliterated or lost, then the surveyor shall run a line between the two nearest points or places, where such line can be clearly and satisfactorily ascertained, in the manner provided in this Act, and shall plant all such intermediate posts or monuments as he may be required to plant, in the line so ascertained, having due respect to any allowance for a road or roads, common or commons, set out in the original survey; and the limits of each lot so found shall be the true limits thereof.

(2) In double front or alternate concessions, where an original post or monument cannot be found, any original post still standing, or the position of which is satisfactorily established on the opposite side of the concession road allowance or on the centre line thereof, shall constitute the best evidence within the meaning of the preceding sub-section for the purpose of establishing the position of such missing post or monument. R. S. O. 1887, c. 152, s. 60

If side lines  
were drawn in  
original sur-  
vey, the same  
to be adhered  
to.

**38.** In those townships in which the side lines of the lots were drawn in the original survey, every Ontario Land Surveyor when called upon to determine any disputed boundary in any of such townships, shall ascertain and establish the divi-



sion or side lines of the lots, by running such side lines as they were run in the original survey whether the same were in the original survey run from the front of the concession to the rear, or from the rear of the concession to the front, and shall adhere to all posts, limits or monuments, planted on the division or side lines in the original survey, as being or designating corners of lots under such original survey. R. S. O. 1887, c. 152, s. 61.

**39.**—(1) All allowances for roads, streets or commons, surveyed in cities, towns, villages and townships, or any part thereof, which have been or may be surveyed and laid out by companies and individuals and laid down on the plans thereof, and upon which lots of land fronting on or adjoining such allowances for roads, streets, or commons have been or may be sold to purchasers, shall be public highways, streets, and commons; and all lines which have been or may be run, and the courses thereof given in the survey of such cities, towns, villages and townships, or any part thereof, and laid down on the plans thereof, and all posts or monuments which have been or may be placed or planted in the first survey of such cities, towns, villages and townships, or any part thereof, to designate or define any allowances for roads, streets, lots or commons, shall be the true and unalterable lines and boundaries thereof respectively; and all land surveyors employed in establishing or re-establishing the boundaries of any road, street, common, or lot, shewn on such plan, or on any registered plan in such city, town, village or township, or any part thereof, shall follow the method adopted in making the original survey of the same, as shewn by the said plan, and shall give to each lot the exact or proportionate dimensions as shewn on the said plan: Provided that the municipal corporation shall not be liable to keep in repair any road, street, bridge or highway laid out by any private person until established by by-law of the corporation or otherwise assumed for public use by such corporation, as provided in *The Municipal Act*. R. S. O. 1887, c. 152, s. 62. (1); 60 V. c. 27, s. 20.

As to allowances for roads or streets in cities, towns, villages or townships laid out by private owners.

Proviso.

Rev. Stat. c. 223.

(2) No lot or lots of land in such cities, towns and villages shall be so laid out as to interfere with, obstruct, shut up, or be composed of any part of any allowance for road, common or commons, which were surveyed and reserved in the original survey of the township or townships wherein such cities, towns or villages, are or may be situate.

City, town or village lots not to be laid out so as to interfere with any allowance for roads.

(3) No such private survey shall be valid unless performed by a duly authorized surveyor. R. S. O. 1887, c. 152, s. 62. (2, 3.)

No private survey valid unless made by a licensed surveyor.

**40.** Every land surveyor shall keep exact and regular journals and field notes of all his surveys, and file them in the order of time in which the surveys have been performed, and shall give copies thereof to the parties concerned when so required, for which he may charge the sum of \$1 for each copy,

Surveyors to keep regular journals and field notes and furnish copies to parties interested.

if the number of words therein does not exceed four hundred words, but if the number of words exceeds four hundred, he may charge ten cents additional for every additional hundred words. R. S. O. 1887, c. 152, s. 70.

Surveyors may administer oaths for certain purposes.

41. For better ascertaining the original limits of any township, concession, range, lot, or tract of land, every land surveyor acting in this Province, shall and may administer an oath to any person whom he examines concerning any boundary, post or monument, or any original landmark, line, limit or angle of any township, concession, range, lot or tract of land which such surveyor is employed to survey. R. S. O. 1887, c. 152, s. 71.

Evidence taken by surveyor to be reduced to writing and signed, etc.

42. All evidence taken by a surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or, if he cannot write, such person shall acknowledge the same as correct before two witnesses, who, as well as the surveyor, shall sign the same; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by a surveyor, with reference to any survey by him performed may be, filed and kept in the registry office of the registry division in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in any Court within Ontario; and for receiving and filing the same the registrar shall be entitled to twenty-five cents; and the expense of filing the same shall be borne by the parties in the same manner as the other expenses of the survey. R. S. O. 1887, c. 152, s. 72.

Fees.

[Section 31 of C. S. C. c. 77, is as follows :

Penalty for obstructing a land surveyor in the discharge of his duty.

31. If any person or persons, in any part of this province, interrupts, molests or hinders any land surveyor, while in the discharge of his duty as a surveyor, such person or persons shall be guilty of a misdemeanor, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court, such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such surveyor or any other party may have against such offender or offenders, in damages by reason of such offence. See *Schedule C to R. S. C. p. 2317.*

[For punishment for pulling down, defacing, altering or removing landmarks, see *The Criminal Code, 1892, of Canada, 55-56 V. c. 29, Secs. 505, 506.*]

SCHEDULE.

(Section 28 (3).)

SURVEYOR'S RETURN.

Township of.....

County of.....

I hereby certify that the following lot lines in the above township were run by me during the year ending December 31st, 18     , under the provisions of section .....

Line between.			Concession.	Date.
Lot	and Lot	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		
"	" "	.....		

Dated at             , this             day of             , 18

A. B.,  
Ontario Land Surveyor.  
60 V. c. 27, Schedule D.

\_\_\_\_\_

## CHAPTER 18.

## An Act to amend the Act respecting the Association of Ontario Land Surveyors

*Assented to 17th January, 1898.*

HER MAJESTY, by and with the advice and consent of the Legislature Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.  
c. 180,  
amended.

1. *The Ontario Land Surveyors' Act*, being chapter 180 of the Revised Statutes of Ontario, is hereby amended by adding thereto the following section :—

Summoning  
witnesses on  
trial of dis-  
putes as to  
council elec-  
tions.

38a. On and for the purpose of the hearing of any dispute concerning an election or any inquiry concerning the dismissal, suspension or restoration of any member, a summons under the hand of the President of the Association, or of the Vice-President of the same, or under the hand of any two other members of the Council, for the attendance of a witness before the Council, shall have all the force of a subpœna; and any witness not attending in obedience thereto shall be liable to attachment in the High Court, and shall also be liable in all other respects as for disobedience or neglect of a subpœna.



## DISPUTES CONCERNING BOUNDARY LINES.

### CHAPTER 64.

(R. S. O. 1897.)

#### An Act respecting Disputes concerning Boundary Lines.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act shall not apply to lands situated in any city, town or incorporated village. 59 V. c. 21, s. 1. Application of Act.

2.—(1) Where in any action or other proceeding commenced on or after the 7th day of April, 1896, it appears to a Judge that a material question to be judicially determined between the parties is the true definition of a boundary line between adjoining lands, such question may be referred for trial to a special referee who shall be an Ontario Land Surveyor. Questions arising in any action as to boundary line to be referred to surveyor.

(2) The Surveyor shall, by a proper survey as directed by chapter 181 of these Statutes, and upon hearing, where he deems it necessary, the evidence under oath adduced by the parties and their counsel, if any, define upon the ground by such posts and monuments as he deems sufficient, the true boundary or division line so in dispute.

(3) The Surveyor shall make a report to the Court and shall therein set forth his mode of procedure and what he has done in the premises, and also such further or other facts and circumstances as may be necessary to enable the Court to finally determine the said question and how the costs should be borne. 59 V. c. 21, s. 2.

3. An application for a reference may be made by any party to the litigation at any time after the commencement of the action or other proceeding upon an affidavit of any person familiar with the facts, and such application shall be an ordinary chamber application and subject to all the rules of practice applicable to such applications. 59 V. c. 21, s. 3. Application for reference.

4. The said reference shall be regarded as a reference under section 28 of *The Arbitration Act*. 59 V. c. 21, s. 4. Reference to be subject to Rev. Stat. c. 62.

5. The parties to the litigation may agree upon the Ontario Land Surveyor to be named as special referee as aforesaid, but if they fail to agree he shall be named and appointed by the Judge before whom the application is made. 59 V. c. 21, s. 5. Agreement as to surveyor to whom reference shall be made.

When reference may be dispensed with.

6. If upon the application it shall appear that from the nature of the other issues to be determined in the said litigation between the parties, or for other good cause, it would be a saving of expense, or otherwise to the advantage of both parties not to direct a reference, the reference may be dispensed with and the question in issue shall be tried as heretofore. 59 V. c. 21, s. 6.

Reference of disputed boundary lines by consent of parties.

7. In case all parties to the dispute concerning a boundary line consent, a summary application may be made to the Judge of the County Court of the County in which the lands are situated to name a special referee under this Act without any prior proceedings having been commenced or being then pending, and in such case the referee shall proceed as hereinbefore directed, and his report concerning the premises shall have the force and effect of a final award between the parties concerning the said disputed boundary line, and may be registered by either party thereto in the proper registry office against the lands affected thereby. 59 V. c. 21, s. 8.

Where parties fail to agree.

8. In case the parties to the litigation or dispute fail to agree upon the Ontario Land Surveyor to be named as special referee under the provisions of this Act, the Judge to whom application is made for the reference shall not name or appoint an Ontario Land Surveyor who has theretofore been concerned in the survey of the lands in question or any part thereof or who has been otherwise engaged in directing a survey which affects or might affect such lands, or which involves the determination of a like question to that in dispute, nor shall the Ontario Land Surveyor appointed in such case be or have been at any time within ten years prior thereto a resident of the county in which the lands the boundary line whereof is in question are situate. 59 V. c. 21, s. 9.

Act to be construed with Rev. Stat. c. 51.

9. This Act shall be read and construed as *in pari materia* with *The Judicature Act*, and with the General Rules of Practice and Procedure of the Supreme Court of Judicature in force in this Province applicable to the subject matter hereof. 59 V. c. 21, s. 7.

“THE REGISTRY ACT.”

(Extracts from) Chapter 136, R. S. O. 1897, as amended by 62 V. (2), c. 16.)

An Act respecting the Registration of Instruments  
Relating to Lands.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

MISCELLANEOUS PROVISIONS.

*Plans.*

100.—(1) Where any land is surveyed and subdivided for the purpose of being sold or conveyed in lots, by reference to a plan which has not been already registered, the person making the subdivision shall, within three months from the date of survey, file with the Registrar a plan of the land on a scale not less than 1 inch to every 4 chains. The plan shall shew the number of the township, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land being subdivided except where such plan is a subdivision of a lot or lots on a former plan in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines of such lot or lots. The number or other distinguishing mark and the breadth both front and rear shall be marked on each lot of the subdivision, the scale shall also be marked on the plan, and such information as will show the depth of the lots, and the courses of all the boundaries of, or the division lines between the same and the governing line or lines to which said courses are referred to shall also be indicated; the position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the boundaries of any of the said lots or the corners thereof shall also be shown. The plan shall also show all roads, streets, railway lands, rivers, canals, streams, lakes, mill-ponds, marshes or other marked topographical features within the limits of the lands being so sub-divided, together with such other information as is required to show distinctly the position of the said lands. R. S. O. 1897, c. 136, s. 100 (1); 62 V. (2), c. 16, s. 9.

Registration  
of plans when  
land sub-  
divided.

Registration  
of plans when  
land sub-  
divided.

(2) Every such plan shall be mounted on stiff pasteboard of good quality, and in case it exceeds thirty inches in length by twenty-four inches in width shall be folded so as not to exceed that size. 56 V. c. 21, s. 96 (2).

Plans to be  
mounted.

Duties of Registrars thereafter.

(3) Every such map or plan, before being registered, shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is filed, and shall also be certified by some Ontario Land Surveyor in the form of Schedule O to this Act; and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on the map or plan, by the name by which such person, corporation or company designates the same in the manner provided by this Act; and all instruments affecting the land or any part thereof, executed after the plan is filed with the Registrar shall conform and refer thereto, otherwise they shall not be registered, except in cases provided for in section 108, and except also where a mortgage has been registered prior to the filing of such plan of subdivision in which case any discharge, final order of foreclosure or conveyance under the power contained in the said mortgage shall be registered against the lands as described in the mortgage. R. S. O. 1887, c. 152, s. 63 (2). 56 V. c. 21, s. 96 (3); 58 V. c. 22, s. 6.

Instruments must conform to such plan.

Exceptions.

Provision as to streets.

Power of municipalities not interfered with.

(4) No part of any street or streets shall be altered or closed up, upon which any lot of land sold abuts, or which connects any such sold lot with or affords means of access therefrom to the nearest public highway, but nothing herein shall in any way interfere with the powers now possessed by municipalities in reference to highway. R. S. O. 1887, c. 152, s. 65 (2, 3).

Penalty for refusing to register plan.

**101.** In the case of refusal by such person, corporation or company, his or their executors, administrators, agents or attorneys, or successors, for two months after demand in writing for that purpose, to lodge with the Registrar any map or plan which it is his or their duty to file under the next preceding section or to deposit under section 112 when required by any person interested therein or by the Inspector so to do, he or they shall incur a penalty of \$20 for each and every calendar month that thereafter elapses without the said map or plan being lodged with such Registrar which penalty may be recovered by any person complaining, in any Division Court in the county in which such lands are situated, in like manner as a common debt. R. S. O. 1887, c. 152, s. 63 (3), s. 69 part; 56 V. c. 21, s. 96 (4). 60 V. c. 3, s. 3, c. 15, Sched. A (59).

Verification of signature to plans.

**102.**—(1) The signature on a map or plan for the purposes of subsection 3 of section 100 shall be witnessed and verified as other instruments are under this Act.

Conditions as to registration of plans.

(2) The Registrar shall not accept any map or plan for the purposes of this Act which does not comply with the provisions of this Act; and shall not accept any plan on which a road less than sixty-six feet wide is laid out, unless the assent of the proper municipal council is registered therewith, where such assent is by law necessary.



(3) The Registrar shall not receive or file any plan or map of a subdivision of any land for which the Crown patent has not issued, unless the assent of the Commissioner of Crown Lands to such receipt and filing is endorsed thereon. 56 V. c. 21, s. 96 (5-7). Plans of unpatented lands.

(4) The Registrar shall not receive or file any plan or map of a subdivision of any land, unless the person or the corporation by whom or on whose behalf the same is filed appears on the registry books to be the owner of the land subdivided by the plan, nor unless the consent in writing of all persons and corporations who appear by the said books to be mortgagees of the land is endorsed on the plan and signed by such person or the chief officer of such corporation and such signatures are duly verified by affidavit. 59 V. c. 29, s. 3. Registrar not to file plans for anyone but owner nor without consent of mortgagees.

(5) Whenever any such plan or map has been so made and deposited as aforesaid the Registrar shall make a record of the same, and enter the day and year on which the same is deposited in his office. R. S. O. 1887, c. 152, s. 67. Duty of the Registrar on receiving plan.

**103.** Sections 100 to 102 of this Act shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the provisions of section 109 of this Act. R. S. O. 1887, c. 152, s. 63 (4); 56 V. c. 21, s. 97. Application of ss. 100 to 102.

**104.** Every copy of such plan or map obtained from a registry office, and certified as correct by the Registrar or Deputy Registrar shall be taken in all Courts as evidence of the original thereof and of the survey of which it purports to be a plan or map. R. S. O. 1887, c. 152, s. 66. Copies of plans evidence.

**108.**—(1) Where an instrument which does not conform and refer to the proper plan, as required by section 100, has been duly executed and any party thereto has died prior to the registration thereof, or in any case where it would, in the opinion of the Registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, such instrument may be registered if accompanied by an affidavit annexed thereto or endorsed thereon in accordance with the form given in Schedule P. Where instruments not conforming to proper plan may be registered.

(2) The Registrar shall thereupon enter such instrument under the lots designated in the affidavit in the abstract index in which the subdivision is entered, and no entry shall be made under the lot or lots prior to the subdivision. 57 V. c. 35, s. 3, part.

**109.** In sales of lands under surveys or subdivisions made before the 4th day of March, 1868, where such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold When plan must be registered in case of lands subdivided before 4th March, 1868.

cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act if the plan or survey is still in existence and procurable for registration and filing under section 100, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized Ontario Land Surveyor, or as nearly as may be according to the proper original survey or subdivision, and the same when so made shall be filed as if under section 100 of this Act. R.S.O. 1887, c. 152, s. 64; 56 V. c. 21, s. 101.

Plan not binding until some sale is made under it; alterations in plan.

**110.** In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same or his assigns, by the High Court, or by a Judge of the said Court, or by the Judge of the County Court of the county in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient. An appeal shall lie from any such order to the Court of Appeal. R. S. O. 1887, c. 152, s. 65 (1); 56 V. c. 21, s. 102.

Appeal.

Plans of towns or villages to be registered in certain cases.

**111.**—(1) Where an incorporated city, town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section 100 of this Act, the municipal council of the township within which such unincorporated village is situated, or of such incorporated city, town or village, shall, upon the written request of the Inspector or of any person interested, addressed to the clerk of the municipality, immediately cause a plan of such city, town or village to be made upon the scale provided for under this Act, and to be registered in the Registry Office of the Registry Division within which the municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor, that the same is prepared according to the directions of the municipality and in accordance with this Act, and the corporate seal of the municipality shall be attached to the map or plan.

Registration of plan of unincorporated village situate in more than one township.

(a) Where the unincorporated village as aforesaid is situated in two or more townships, the inspector may, by a written order, cause a plan of such village to be made upon the scale aforesaid, and to be registered in the proper registry office, and where the unincorporated village is situate in two or more registry divisions, a duplicate of such map or plan shall be

registered in each of such registry divisions in so far as it affects lands in such division; the map or plan shall have endorsed thereon the certificate of the surveyor that the same has been prepared according to the order of the inspector, and such order or a copy thereof, shall be attached to or endorsed on such plan; and any plan of an unincorporated village situate in two or more townships heretofore prepared upon the request of the inspector, may, in like manner, be registered in the proper registry office, and shall when so registered, be as valid as if the same had been prepared upon the order of the inspector.

(b) The expense attending the preparing and depositing of any map or plan in the next preceding clause (a) mentioned shall be paid out of the general funds of the municipalities in which the unincorporated village is situated, in such proportions as the inspector may order, and any municipality may levy its proportion of such expense, or so much thereof as the council of the municipality sees fit, by assessment on all rateable property comprised in the proportion of the unincorporated village situate in such municipality as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate. R. S. O. 1897, c. 136, s. 111 (1); 62 V. (2), c. 16, s. 12 (a), (b).

Expenses of registering plan of such unincorporated village—how apportioned.

(2) The expense attending the preparing and depositing of the map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same may be paid in whole or in part by the municipality out of its general funds, or the same may in whole or in part at the option of the municipality be paid by special rate to be levied by assessment on all rateable property comprised in the unincorporated village as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of the municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, the municipality shall incur the same penalty, and the same shall be recoverable in the manner provided in section 101 of this Act. R. S. O. 1897, c. 136, s. 111 (2); 62 V. (2), c. 16, s. 13.

Payment of expenses.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown that the parcel sold cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may at the written request of the Inspector, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the preparation of and filing of the map or plan shall be paid by a special rate to be levied by assessment on the lands com-

Registration of plans of township subdivisions in certain cases.

prised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last mentioned expenses as it has for compelling payment of taxes. R. S. O. 1887, c. 152, s. 68; 56 V. c. 21, s. 103 (3).

Plans of  
municipalities  
—what to be  
shown on.

“3 (a). Any plan prepared under the provisions of sub-sections 1 and 3 of this section shall show such subdivisions of original lots as are shown by the registered plans and by the deeds of such lands as are not shown on the registered plans, and the plan so to be made shall be prepared without adding to the costs thereof the expense of any actual survey on the ground except such as may be necessary to connect the subdivisions or parcels of land and to show any natural or artificial boundaries of the same which cannot be shown on the new plan from the information contained in the registered plans and deeds. 62 V. (2) c. 16, s. 14.

Obligations  
not impaired.

(4) Nothing in this section contained shall be deemed or construed to relieve any person from any liability, duty, obligation or penalty provided or imposed by or under any of the provisions of sections 100, 101 and 102 of this Act. R. S. O. 1887, c. 152, s. 68; 56 V. c. 21, s. 103 (4).

Power of  
County Judge  
to order new  
plans to be  
filed.

(5) Where any land has been sold or conveyed in lots or parcels by metes and bounds, or in any other manner without a map or plan registered under this or any other Act in that behalf, showing such subdivisions; or where portions of lots shown by any registered plan or subdivision have been sold, and the lots or parcels so sold are not distinguished by numbers or letters, the Judge of the county or district in which the land is situate may, on the application of the Inspector, after such notices as the Judge may think reasonable, on being satisfied that it is expedient so to do, make an order directing the Registrar in whose division such land is situate to have the same, or any part thereof, laid out into lots or parcels in such manner and numbered as he shall think fit, and a plan or plans thereof made in accordance with the records in the Registry Office, or from actual survey, as may be found necessary, and registered in accordance with the provisions of this Act, which plan shall have the order of the Judge endorsed thereon, signed by him. The costs and expenses of and incidental to such application and plan and the registration thereof shall be borne by the person, corporation or municipality to be named by the Judge in the order. Such order shall be entitled in the County Court and in the matter of the lands in question, and on filing the order with the Clerk of the County Court the same may be enforced as if it were a judgment of the Court. The registration of such plan shall be binding on all parties subsequently dealing with the lands or any part thereof included in the plan or any interest in or concerning the same, but shall not

Costs.

Effect of  
registration.



affect in any way the rights or interests of any owner or other person entitled at or prior to the date of registration. 56 V. c. 21, s. 103 (5); 62 V. (2) c. 16, s. 15.

**112.** Every person who is required to lodge with the Registrar a plan or map of any survey or subdivision of land in any municipality shall at the same time deposit with the said Registrar a duplicate of such plan or map, and the Registrar shall endorse thereon a certificate shewing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall upon request and without any fee being chargeable in respect thereof, be delivered by the Registrar to the treasurer or assessment commissioner of the local municipality in which such land is situate. The Registrar shall not register any such plan or map unless and until a duplicate thereof is deposited in accordance with the provisions hereof. R. S. O. 1887, c. 152, s. 69, part; 56 V. c. 21, s. 104.

Delivery of  
plans to  
municipal  
treasurers.

## SCHEDULE G.

(Section 40.)

### FORM OF AFFIDAVIT OF EXECUTION.

County of \_\_\_\_\_, I, \_\_\_\_\_, of \_\_\_\_\_,  
To Wit: } the \_\_\_\_\_ of \_\_\_\_\_ in the  
County of \_\_\_\_\_, make oath  
and say :

1. That I was personally present and did see the annexed (or within) instrument (and a duplicate, *if any, according to the fact*) duly signed, sealed and executed by \_\_\_\_\_ and \_\_\_\_\_ the parties thereto.

2. That the said instrument (and duplicate, *if any, according to the fact*) were executed at the \_\_\_\_\_ of \_\_\_\_\_

3. That I know the said parties (*or one or more of them according to the fact.*)

4. That I am a subscribing witness to the said instrument (and duplicate, *according to the fact*).

56 V. c. 21, Sched. G.

## SCHEDULE O.

(Section 100.)

## FORM OF SURVEYOR'S CERTIFICATE OF PLAN.

I hereby certify that this plan accurately shews the manner in which the land included therein has been surveyed and subdivided by me ; and that the said plan is prepared in accordance with the provisions of *The Registry Act*.

Dated

, 18 .

A. B.  
Ontario Land Surveyor.56 V. c. 21, *Sched. O*.

## SCHEDULE P.

(Section 108.)

## AFFIDAVIT WHERE INSTRUMENT DOES NOT CONFORM TO PLAN.

County of

} I (give name address and occupation.)

To Wit : } make oath and say :

1. To the best of my knowledge and belief, the lands described in the within (or annexed) instrument and duplicate are designated on Registered Plan No. as lots (describe same so as to conform to plan).

2. That a party to said instrument died on or about the day of A.D. (or as the case may be).

3. That it would be impossible (or inconvenient) for the reason aforesaid to obtain a new instrument or a re-execution of the said instrument containing a description conforming to the said plan.

4. That I have a personal knowledge of the matters herein deposed to.

Sworn, etc.

57 V. c. 35, s. 3, part.

## "LAND TITLES."

(*Extracts from Chapter 138, R. S. O. 1897.*)

### An Act to simplify Titles and to facilitate the Transfer of Land.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### *Plans.*

**109.** Every person who under this Act, deposits with the Master or Local Master of Titles a plan or map of any survey or subdivision of land made by such person for the purpose of selling or conveying the same in lots, or of any alteration of a previous survey or division, shall at the same time deposit with the said Master or Local Master a duplicate of such plan or map, and the Master or Local Master shall endorse thereon a certificate showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the Master or Local Master to the treasurer, or assessment commissioner of the local municipality in which said land is situate, upon request and without any fee being chargeable in respect thereof; and the Master or Local Master of Titles shall not file or register any plan or map unless and until a duplicate thereof is deposited in accordance with the previous provisions hereof. 56 V. c. 22, s. 15.

Delivery of plans to municipal treasurers.

**110.** No map or plan shall be filed in the office of the Master of Titles at Toronto or in the office of any Local Master of Titles upon which a road, street or highway less than 66 feet wide is laid out unless and until the assent of the proper municipal council is registered therewith where such assent is by law necessary. 55 V. c. 24, s. 1.

Filing plans with roads less than 66 feet in width.

**111.** In no case shall any plan or survey, although filed and registered in an office of Land Titles, be binding on the person so filing or registering the same, or upon any other person, unless some sale has been made according to such plan or survey; and in all cases amendments or alterations of any such plan or survey may be ordered to be made at the instance of the person filing or registering the same or his assigns, by the High Court, or by a Judge of the said Court; or, where the lands are not in the County of York or City of Toronto, by the Judge of the County or District Court of the county or

Amendment of plans.

district in which the lands lie ; and where the lands are in the County of York or City of Toronto by the Master of Titles, if, on application for the purpose duly made, and upon hearing all parties concerned, it is thought just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed just and expedient. An appeal shall lie from any such order to the Court of Appeal. 52 V. c. 20, s. 7.

Transfer of  
plans from re-  
gistry offices.

**112.** Where all the lots on any plan of subdivision filed in a registry office are registered under this Act, the Master or Local Master of Titles may require the Registrar to deliver the plan to such Master to be filed in his office ; and the Registrar shall thereupon deliver the same, taking a receipt therefor. 52 V. c. 20, s. 8.

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## SCHEDULE OF RULES.

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### *Plans.*

**58.**—(1) An owner subdividing land for the purpose of selling or conveying the same in lots shall deposit with the Master a map of the land on a scale not less than one inch to every four chains, and the scale shall be marked on the plan. The plan shall shew in black India ink the boundaries, numbers and other distinguishing marks of the lots laid out thereby, and shall shew the number of the township, town, or village lots, and range or concession as originally laid out, and all the boundary lines thereof within the limits of the land shewn on the said plan, and where the plan is a subdivision of a lot or lots on a former plan it shall shew in a permanent ink of another colour the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines of such lot or lots. The plan shall also shew all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and also in black India ink the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such other information as is required to shew distinctly the position of the land being subdivided.

(2) Every such plan shall be signed by the owner of the land or his agent, or where a corporation is the owner, by the chief officer of the corporation, and shall be certified by an Ontario Land Surveyor in Form 52 given in the schedule appended hereto.

(3) Every such plan shall be mounted on stiff pasteboard of good quality, and in case it exceeds thirty inches in length by twenty-four inches in width shall be folded so as not to exceed this size.

(4) The Master, before filing the plan, may require evidence to be given explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register, or may require evidence respecting any other matter which he considers requires to be explained.



**59.**—(1) In other cases the Master may require a person applying for registration under this Act, to deposit a map or plan of the land, with the several measurements marked thereon, certified by an Ontario Land Surveyor and so many counterparts as may be required, and upon one of the following scales :—

**Rules 50 & 51,  
made under  
Imp. Act 33 &  
39 V. c. 87.**

- (a) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains.
- (b) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains.
- (c) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.
- (d) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then the map or plan shall be on a scale of one inch to twenty chains.

(2) The owner shall sign the said plan and verify the accuracy of the same before some person authorized under section 139.

(3) If the owner neglects or refuses to comply with such requirements as aforesaid, the Master may refuse to proceed with the registration of the transfer or dealing.

(4) Subsequent subdivisions of the same land may be delineated upon a duplicate of the map or plan of the same so deposited, if the same is upon a sufficient scale in accordance with the provisions herein contained : and the correctness of the delineation of each such subdivision shall be acknowledged in the manner prescribed for the case of the deposit of an original map.

(5) Where parts of different legal subdivisions are included in the same transfer, the map shall represent the whole of such legal subdivisions, and shall indicate the location of the lands to be transferred ; this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered, unless the Master shall otherwise direct.

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## SCHEDULE OF FORMS.

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**52.**—*Form of Surveyor's Certificate of correctness of Plan.*

(*Rules 58 and 59.*)

I hereby certify that this plan accurately shews the manner in which the land (or part of the land) entered in the office of Land Titles at *Toronto* as Parcel 104 in the register for the township of *York*, being the west half of lot 10 in the 4th concession of said township, has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of the Land Titles Act.

Dated

18

A. B.,  
Ontario Land Surveyor.

## "THE MUNICIPAL ACT."

*Extracts from Chapter 223, R. S. O. 1897.*

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### An Act respecting Municipal Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

#### *Highways Defined.*

What shall constitute public highways.

**598.** All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 55 V. c. 42, s. 54. See also cap. 181, secs. 20, 21, 39 (1).

#### *Freehold in Crown.*

Certain highways, road allowances, etc., vested in the Crown.

**599.** Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, and every road allowance reserved under original survey along the bank of any stream or the shore of any lake or other water, shall be vested in Her Majesty, her heirs and successors. 55 V. c. 42, s. 525; 59 V. c. 51, s. 19.

#### *Width of Roads.*

Width of roads.

**630.** No municipal council, except the council of a city or town, shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly. 55 V. c. 42, s. 545, *part*.

(2) No highway or street, of a less width than 66 feet, shall be laid out by any owner of land, without the consent of the council of the municipality, by a three-fourths vote of the members thereof. 55 V. c. 42, s. 545, *part*; 60 V. c. 45, s. 57.

*Roads connecting Side Lines in Double Front Concessions.*

**663.**—(1) In any townships in which the concessions have been surveyed with double fronts, that is with posts or monuments planted on both sides of the road allowances between the concessions, and the division or side lines drawn from the posts at both ends to the centre of the concession do not meet, and road allowances have been laid out along such lines, the council may by by-law provide for the opening and laying out (upon a survey made by an Ontario land surveyor, to be named in the by-law) of a roadway joining the ends of such road allowances.

Side lines in double front concessions.

O. L. S. to be named in by-law.

(2) The centre of such roadway shall be determined by a straight line drawn along the centre of the concession between the ends of such road allowances, unless it appears to the surveyor that any other line would be more suitable according to the circumstances of the case.

(3) The surveyor shall determine the compensation to be paid to persons whose lands are taken for opening and laying out the said roadway, and the amount so determined shall be paid to such persons by the municipal corporation of the township.

(4) A copy of the by-law shall be served upon all persons over whose lands the proposed road will pass; and any such person desiring to object to the surveyor named in the by-law may, within one month after service thereof upon him, serve on the clerk of the municipality and on the other persons interested a notice of objection to such surveyor together with an appointment returnable before the County Judge of the county in which the lands lie.

(5) Upon the return of the appointment the Judge, after hearing all parties concerned may confirm the appointment of the surveyor named in the by-law or may name and appoint some other Ontario land surveyor to carry out the terms of the by-law; and in such case the surveyor so appointed shall act in the place and stead of the surveyor named in the by-law.  
60 V. c. 55, s. 1.

(See also secs. 598 to 663, Municipal Act, as to Highways and Bridges.)

## " RAILWAY ACT."

(*Extracts from*) Chapter 207, R. S. O. 1897.

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### An Act respecting Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### PLANS OF SURVEYS.

10. Plans and surveys shall be made and corrected as follows:

Book of  
reference.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

- (a) A general description of the said lands;
- (b) The names of the owners and occupiers thereof, so far as they can be ascertained; and
- (c) Everything necessary for the right understanding of such map or plan.

By whom  
certified.

2. The map or plan and book of reference shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the Clerks of the Peace in the districts or counties through which the railway passes, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the company.

Notice to  
opposite  
party.

20.—(1) A notice shall be served upon the party which shall contain:—

- (a) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them);
- (b) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and
- (c) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted.



(2) The notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice to the following effect :—

- (a) That the land (if the notice relates to the taking of land), shewn on the map or plan, is required for the railway, or is within the limits of deviation hereby allowed ;
- (b) That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and
- (c) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by him, or notify them the name of a person whom he appoints as arbitrator, then the Judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Party not accepting the company's offer and not appointing an arbitrator.

(For duties of Arbitrator see also the other sub-secs. of the above sec.)

## CHAPTER 26.

(61 Vic. c. 1898.)

### An Act respecting Roads in Unincorporated Townships.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.  
c. 224, s. 121  
amended.

1. Section 121 of *The Assessment Act* is amended by adding the following as a sub-section thereto.

Powers of  
road commis-  
sioners as to  
opening roads

(2) The said commissioners shall have power to open road allowances when the same have been laid down in the original surveys, and in case said road allowances are either wholly or partially impracticable, to lay out roads in lieu thereof; and where no road allowances are laid down in the original surveys, but five per cent. of the area is reserved for roads, the said commissioners may lay out roads where necessary, and direct the performance of statute labour accordingly.

Laying out  
roads in town-  
ships where no  
allowances  
surveyed.

2. Where a municipality is formed embracing a township or townships surveyed without road allowances, but in which five per cent. of the area is reserved for roads, such municipality shall have the power to lay out roads where necessary.

Filing plan of  
roads in  
Crown Lands  
Department.

3. In cases of deviations from road allowances and of roads laid out where there are no road allowances as above provided, the commissioners or the municipality, as the case may be, shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Crown Lands.

## THE CRIMINAL CODE, 1892, OF CANADA.

(Extracts from 55-56 V. c. 29.)

**505.** INJURIES TO LAND MARKS, ETC.—Every one is guilty of an indictable offence and liable to seven years imprisonment, who *wilfully* pulls down, defaces, alters or removes any mound, land mark, post or monument *lawfully* erected, planted or placed to mark or determine the boundaries of any province, county, city, town, township, parish or other municipal division. R. S. C. c 168, s. 56.

**506.** Every one is guilty of an indictable offence and liable to five years imprisonment, who *wilfully* defaces, alters or removes any mound, land mark, post or monument *lawfully* placed by any land surveyor to mark any limit, boundary or angle of any concession, range, lot or parcel of land.

2. It is not an offence for any land surveyor in his operations to take up such posts or other boundary marks, when necessary, if he carefully places them as they were before. R. S. C. c. 168, s. 57.

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SUGGESTED FORM OF OATH OR AFFIRMATION  
FOR CHAINBEARERS.

I, A. B., do solemnly swear (or affirm, as the case may be)

(1) That I will faithfully discharge the duties of a chain-bearer for Ontario Land Surveyor \_\_\_\_\_ and will act as such justly and exactly according to the best of my judgment and ability, and will render to him a true account of my chaining and measuring.

(2) That I am absolutely disinterested in the survey now about to be performed, and am not related or allied to any of the parties interested in the same within the fourth degree of relationship, *i.e.*, cousin-german. So help me God.

Sworn before me at  
this                day of                19   . }  
  
Ontario Land Surveyor. }



## DEPARTMENT OF CROWN LANDS,

TORONTO, April 1st, 1897.

L. No. 10138-97.  

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SIR,—

In consequence of irregularities which have been brought under the notice of the Commissioner of Crown Lands. I am directed by him to inform you that in future all plans and field notes accompanying applications to this Department must be certified to by the Surveyor making the survey, in the following form:

I hereby certify that the foregoing plan and field notes are correct, and are prepared from actual survey made under my personal supervision.

Ontario Land Surveyor.

Dated this            day            , 18    .

I have to request that you will pay attention to this in all future surveys.

Yours truly,

(Sgd.) AUBREY WHITE,  
Ass't Commissioner.

(Sgd.) G. B. KIRKPATRICK,  
Director of Surveys.

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# LIST

## OF

### (ONTARIO) ACTS RELATING TO SURVEYS AND SURVEYORS.

*(Note.—Statutes contained in this pamphlet are printed in black type.)*

	A. D.	A. R.	Cap.
Aldborough, survey of, established.....	1853	16 Vic.	225
Albion and King, provisions of 22 Vic. cap. 59, extended to .....	1870-71	34 Vic.	60
Ameliasburg, Wilmott's survey established .....	1850	13-14 Vic.	88
Ancaster and Flamborough West, establishing division lines between townships .....	1825	6 Geo. 4th	5
Arbitrator, sole, O.L.S., appointment of .....	1897	R. S. O.	207, s. 20 [5], Railway Act.
	1897	R. S. O.	232, s. 36 [4], Public Sch.
	1997	R. S. O.	293, s. 27, High School
Bedford, Benson's survey established.....	1854	18 Vic.	25
Bedford, how side lines to be run .....	1864	27-28 Vic.	80
Beverley, Kirkpatrick's survey established .....	1853	16 Vic.	230
Beverley, 16 Vic. cap. 230, revived, continued and amended .....	1855	18 Vic.	173
Beverley, certain side lines and side roads confirmed .....	1-60	23 Vic.	100
Binbrook and Saltfleet, settling difficulties in .....	1831	1 Wm. 4th	8
Birbrook and Saltfleet, Act amended.....	1839	7 Wm. 4th	59
Bosanquet and McGillivray, D. S. Campbell's survey of part legalized and substituted for Rath's survey.	1877	40 Vic.	47
Boundary between Ontario and Quebec .....	1874	38 Vic.	5
<b>Boundary Lines, disputes concerning .....</b>	<b>1897</b>	<b>R.S.O.</b>	<b>64</b>
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Burford, to establish and define certain road allowances, etc.....	1861	24 Vic.	66
Caistor and Howard, to confirm and establish road allowances.....	1859	22 Vic.	83
Caistor, Hood's survey of 2nd concession confirmed....	1859	22 Vic.	85
Caledon, Wheelock's survey confirmed .....	1878	41 Vic.	32
Chatham and Camden, to establish boundary lines in front of lots on River Thames.....	1837	7 Wm. 4th	58
Chatham Town, Kirk and Salter's re-survey confirmed.	1869	33 Vic.	66
Clarke, to establish part of 7th and 8th concessions, from lot 1 to 10 .....	1857	20 Vic.	116
Colchester, Rankin's survey of certain lots in 4th concession legalized and confirmed .....	1873	36 Vic.	61
Commissioner of Crown Lands.....	1897	R.S.O.	28, s. 6
Cornwall, survey between 7th and 8th concessions....	1830	11 Geo. 4th	15
Cornwall, east boundary of 3rd concession .....	1843	7 Vic.	42
Cornwall, part of 9th concession .....	1850	13-14 Vic.	84

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Cornwall, to declare valid a certain survey of part of Town of.....	1854	18 Vic.	29
Cornwall, to declare valid a certain survey of part of Town of.....	1884	47 Vic.	50
Corporation surveyor (Municipal Act) .....	1897	R. S. O.	{ 223, s. 537 (5)
Cramahe, ascertaining side lines of lots in, and correc- tion of eastern side line of Township.....	1823	4 Geo. 4th	35
Crowland, DeCrew's survey of 3rd and 4th concessions set aside.....	1862	25 Vic.	42
Cumberland, mode in which side line in 1st concession, old survey, shall be run.....	1860	23 Vic.	101
Darlington, to authorize a survey of broken front con- cession .....	1836	19 Vic.	67
Ditches and Watercourses Act .....	1897	R. S. O.	285
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Dorchester, North, to establish boundary line of certain concessions lots and side lines, Peter's and McMil- lan's verification survey confirmed .....	1863	26 Vic.	50
Drainage. (See Municipal Drainage.)			
Dundas, Town, to close Rosina street.....	1871-2	35 Vic.	69
Edwardsburgh, side lines in .....	1850	13-14 Vic.	85
Eldon, Hanning's survey of part of line between 4th and 5th concessions confirmed .....	1874	38 Vic.	41
Elmsley and Montague, line between, in 4th concession	1847	10-11 Vic.	53
Elmsley and Montague, 10 and 11 Vic. cap. 53, repealed	1849	12 Vic.	102
Elora, closing of certain streets authorized, Gilkison's survey partially annulled.....	1869	33 Vic.	69
Emily, how side lines shall be run .....	1873	36 Vic.	60
Ernestown and Fredericksburg, relative to survey of Gore between.....	1834	4 Wm. 4th	20
Etobicoke and Toronto Gore, to establish true location of road allowance .....	1858	22 Vic.	59
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Fitzroy, how side lines of certain lots shall be run.....	1863	26 Vic.	14
Flamborough West, and Ancaster, establishing division lines between Townships.....	1825	6 Geo. 4th	5
Fredericksburgh, survey of 1st, 2nd and 3rd conces- sions, etc.....	1826	7 Geo. 4th	16
Fredericksburgh andernes own, relative to survey of Gore between.....	1834	4 Wm. 4th	20
Free Grants and Homesteads Act .....	1897	R. S. O.	29
“ “ (Rainy River).....	1897	R. S. O.	30
Gloucester, course of side lines in the Gore.....	1846	9 Vic.	49
Goderich, Gibson's survey of 1828-9 confirmed .....	1861	24 Vic.	66
Grimsby, Rykert's survey of concession line between Gore A and 8th concession confirmed .....	1860	23 Vic.	99
Gwillimbury, North, establishing side lines.....	1833	3 Wm. 4th	38
Hamilton, line between 7th and 8th con. established..	1855	18 Vic.	172
Hamilton, 18 Vic. cap. 172, repealed .....	1858	22 Vic.	78
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Hillier, Wilmot's survey established .....	1855	18 Vic.	151
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Hope, G. A. Stewart's survey set aside .....	1858	22 Vic.	60
Howard and Caistor, to confirm and establish road allowances .....	1859	22 Vic.	83
Huntley, how side lines shall be run .....	1870 1	34 Vic.	61
Improvements under mistake of title .....	1897	R. S. O. }	119, s. 30- 32
Kennebec, new survey confirmed .....	1890	53 Vic.	86
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King, authorizing new survey .....	1835	5 Wm. 4th	20
King and Albion, provisions of 22 Vic. cap. 59, ex- tended to .....	1870-1	34 Vic.	60
King, to confirm certain side roads, etc .....	1864	27-28 Vic.	79
Kingston, City, to close up part of Union Street .....	1874	38 Vic.	44
Lancaster, to provide for guiding lines .....	1829	10 Geo. 4th	13
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Louth, establishing lines in .....	1834	4 Wm. 4th	21
Madoc, to vest a road allowance, etc., in S. D. Russell.	1861	24 Vic.	138
Matilda, Bruce's survey of part confirmed .....	1877	40 Vic.	48
Melancthon, Passmore's re-survey of part confirmed...	1869	33 Vic.	67
McGillivray, Township Council may dispose of certain road allowances .....	1857	20 Vic.	112
McGillivray and Bosanquet, D. S. Campbell's survey of part legalized and substituted for Rath's survey ..	1877	40 Vic.	47
Mines Act .....	1897	R. S. O.	36
Monaghan, line of park lots established .....	1853	16 Vic.	228
Monaghan, 16 Vic. cap. 228 repealed .....	1855	18 Vic.	154
Montague and Elmsley, line between in 4th concessions	1848	10-11 Vic.	53
Montague and Elmsley, 10 and 11 Vic. cap. 53, repealed	1849	12 Vic.	102
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Niagara, to ascertain north boundary line .....	1832	2 Wm. 4th	19
Niagara, to confirm a portion of original survey .....	1855	18 Vic.	156
Nissouri East, and East and West Zorra, Township Councils may dispose of certain road allowances...	1857	20 Vic.	111
Norwich, settling roads and lines in .....	1835	5 Wm. 4th	26
Onondaga, to alter survey of part of 3rd concession, called Martin's Bend, and to confirm a new survey thereof .....	1856	19-20 Vic.	109
Osgoode, course of side lines in .....	1847	10-11 Vic.	54
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Ottawa, to confirm the survey of certain parts .....	1861	24 Vic.	58
Oxford, survey of part of .....	1829	10 Geo. 4th	14
Oxford, West, Smiley's survey confirmed .....	1870-1	34 Vic.	62
Peterborough, line of park lots established .....	1853	16 Vic.	228
Peterborough, repeal of 16 Vic. cap 328 .....	1855	18 Vic.	154
Portland, A. B. Perry's survey of certain concessions confirmed .....	1870-1	34 Vic.	63
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Saltfleet and Binbrook, Act amended .....	1837	7 Wm. 4th	59
Sandwich, East, F. L. Foster's line of road in rear of 3rd concession confirmed .....	1874	37 Vic.	81
Sandwich, West, E. R. Jones's line between 2nd and 3rd concession confirmed .....	1874	37 Vic.	82
Scarborough, side road confirmed and defined .....	1862	25 Vic.	38
Seymour, Campbell's survey confirmed, north-east of Trent River and north-west of Crow River .....	1868-9	32 Vic.	16
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Tilbury, East, and Romney, to alter the town line in part between .....	1874	38 Vic.	43
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Toronto, City, to settle the northern boundary line of the city .....	1856	19-20 Vic.	96
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Winchester, to confirm present survey .....	1855	18 Vic.	155
Winchester, road allowances established on south side of concession lines.....	1890	53 Vic.	112
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Wolford, to make valid certain by-laws of corporation, etc. ....	1870-1	34 Vic.	56
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York, roads and survey thereof.....	1889	52 Vic.	77
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